

DOCUMENTARY HISTORY

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OF

EDUCATION

IN UPPER CANADA

(ONTARIO)



1843.-1845. 6.



### Memorandum.

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This Documentary History is printed as one of the Appendices to the Report of the Honourable the Minister of Education for Ontario, 1897. Copies of this Appendix are, however, printed separately in this form for convenience of distribution, and for reference.

*Education Department, (Ontario),*  
Toronto, 28th of October, 1897.


J. G. H.



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# DOCUMENTARY HISTORY OF EDUCATION IN UPPER CANADA

FROM THE PASSING OF THE  
CONSTITUTIONAL ACT OF 1791

TO THE  
CLOSE OF THE REVEREND DOCTOR RYERSON'S ADMINISTRATION  
OF THE EDUCATION DEPARTMENT IN 1876.

VOL. V: 1843-1845, 6.

*Edited under the direction of the Honourable the Minister of Education, with Explanatory Notes,*

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## PREFATORY REMARKS.

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The most striking incident in the Educational History, which this Volume records, is the protracted discussion, both in and out of Parliament, which took place on the University Question.

In reviewing the educational events of the years embraced in this Volume, what has struck me as most singular was the fact that, although two of the ablest public men of the day,—the Honourable Robert Baldwin, and the Honourable William H. Draper,—made earnest efforts to settle this vexed question, in 1843 and 1845, yet their efforts were of no avail,—for both failed in the attempt, but from two very different causes.

In 1846, I may further note, that an effort was made by Mr. Draper in the same direction; and, in the following year, Mr. (afterwards Sir) John A. Macdonald also sought to solve the difficulty, but, with a like result,—a similar failure, but also from different causes.

And yet these efforts were not wholly fruitless in practical results. The prolonged discussions on the subject, both in the Legislature and in the Press, and notably by able Pamphleteers, narrowed the ground of the dispute, and lessened the points of difference between the contending parties in the contest.

The main obstacle, which lay in the way of those who thus earnestly sought to settle this question, was the difficulty which, these University Reformers experienced in effectively dislodging those who were in possession of the Royal Charter of King's College, and who had personal control of the funds arising from its Endowment.

It is true that those, who were thus in possession of the University, and had control of its funds, came into that possession and control legitimately and fairly, as well as legally, but it should also be remembered, that the Imperial Authorities, who gave them this possession and control, were evidently under a total misapprehension of the facts and circumstances of the case, and of the state of public feeling on this subject in this Country.\*

This misapprehension may have arisen from the fact, that as the Royal Charter of King's College was issued thirty years after the Imperial Grant of

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\* The Royal Charter of King's College passed the Great Seal on the 15th day of March, 1827. By a singular coincidence a strong protest against its terms was presented to the House of Assembly, and adopted by it, on the 15th day of March, 1828—the anniversary of the very day on which the Charter was granted in 1827. (See pages 239-242 of the First Volume of this History.)

Lands for educational purposes was made by the Imperial Government, the nature of the original application for the Grant, and the conditions upon which it was then given, were apparently overlooked.

This Grant of Lands, it should be noted, was applied for by the Province, through its Legislature, in 1797; and it was to the Province,—and not to any Church in it,—that the Grant of Crown Lands was made by George III, through his Secretary of State for the Colonies,—the Duke of Portland—in response to that application.

The conditions, or terms, of that Grant were specific. They were:—

*First*,—for “the establishment of Free Grammar Schools” in the various Districts of the Province.

*Secondly*,—for the establishment of “other Seminaries of a larger and more comprehensive nature.”

The Despatch of the Duke of Portland, specifying these terms and conditions of the Royal Grant, was referred to the Members of the Executive Council and to the Judges of the Court of Queen’s Bench in 1798, with a view to their reporting personally, and as a Committee, upon some specific plan for carrying out the instructions of the Colonial Secretary upon the subject.

This Committee, however, took upon itself to depart from, and to vary, the terms and conditions of the Despatch, and to recommend that the prayer of the Petition of the Legislature should be carried out, instead of the directions which were specifically given to the Legislature, in the Duke of Portland’s Despatch.

The Petition of the Legislature of the 3d of July, 1797, asked for a grant of the “Waste Lands of the Crown” for the “establishment and support of a respectable Grammar School in each District, . . . and also for a College, or University.” The Duke of Portland, in his reply to this Petition, on behalf of His Majesty, did not adopt the language of the Petition, as to the objects of the Royal Grant, but, in that reply, greatly enlarged the scope and object of the Grant, so as to provide, not only for “Free Grammar Schools” in the various Districts, but also for the establishment, in due time, of other “Seminaries of a larger and more comprehensive nature.” It must be apparent that, as these Grammar Schools could only be established and controlled by the Legislature to which the Grant was made, so also, as a matter of course, would be the “Seminaries of a larger and more comprehensive nature,” which the Grant provided for. They would also be under the control of the Legislature, as were the Grammar Schools.

As a matter of fact, the primary object of the Royal Grant of 1797—the establishment of Free Grammar Schools—was never carried out.\* Its secondary object—the establishment, in due course of time, as the Despatch expressed it, “of Seminaries of a larger and more comprehensive nature,” was only imperfectly carried out.

\* See pages 23 and 179 of the Second, and 89 of the Third, Volume of this History, and also the remarks of Sir Francis Hincks on this subject, on page 88 of this Volume.



It was practically this variation, by the Committee, in 1798, of the terms of the Duke of Portland's Despatch, against which successive Members of the Legislature, individually, and by Committees, protested from time to time, and, insisted that the Free Grammar Schools, so generously provided for, should be established as a primary condition of the establishment of such "larger and more comprehensive Seminaries."

To this fact, and, practically, to the irresponsible way in which the matter was dealt with in 1827 and 1828, was due all the difficulty and embarrassment which was subsequently experienced, in seeking to retrace the steps so unadvisedly taken in the years mentioned, and, that too, by the parties concerned, without any recognition on their part, of the rights, or authority, of the Legislature, at whose request the original grant of Lands, for educational purposes, had been made thirty years before.

It is true that the sanction of Sir Peregrine Maitland was obtained by the Reverend Doctor Strachan, when seeking for a Charter of a Church of England College; but it was a well known fact, that, in those days, the Lieutenant Governor of the Province was solely responsible for his acts to the Imperial Government; and the right of the Canadian Legislature to review these acts was not recognized, or acknowledged, by him.

The Royal Charter of March, 1827, which constituted King's College a Church of England Institution, made no mention whatever of any grant of Crown Lands being made to it. The Letters Patent, making that Grant, was a separate Document, and it was not issued in Canada until the following January of 1828,—nine months after the Charter had passed the Great Seal in England.

It was upon the authority of these two Documents,—the Charter of 1827, and the subsequent Grant of Lands, by Letters Patent, in 1828,—that the Authorities of the Church of England claimed possession of the University, and control of the funds arising from that endowment.

The Reverend Doctor McCaul, Vice-President of King's College University, in his Pamphlet on "The University Question Considered," did not take such high ground, in regard to the exclusive claims of the Church of England to King's College, as did its President and Council. He said:—

The claims to the Church of England [in regard to King's College] are mainly based upon the following facts:—

1st, That the Charter and Endowment were obtained by a leading Member of her Communion, [the Reverend Doctor Strachan].

2nd, That the Government of the Institution, established by that Instrument was, in its provisions, limited to those who preferred her tenets;—and—

3rd, That the Divinity to be taught was that conformable to her Thirty-nine Articles (*Page 23 of Doctor McCaul's Pamphlet, 1845.*)

In the prolonged discussion, on the University Question, Queen's College, Kingston, was represented by two very notable men and accomplished scholars,—the Reverend Doctor Liddell, and the Reverend Peter Colin Campbell. Doctor

Liddell's Letters to Doctor Ryerson are valuable, as exhibiting some phases in the discussions and correspondence on the subject—especially those with the Authorities of King's College, on the Union of the two Colleges—of the particulars of which little is now known,—the Union question never having come before the College Council, nor is it referred to, even incidentally, in its Minutes.

Among those who discussed the University Question in a Pamphlet, at some length, in 1845, was the Reverend Peter Colin Campbell, at that time Professor of Latin in Queen's College, but afterwards President of the Aberdeen University.

Mr. Campbell's pamphlet was an exceedingly able one, and was noted for its statesmanlike grasp of the subject, both from a scholastic point of view, and also as a matter of national importance. He held that the Legislature should place the proposed University on a broad and comprehensive basis, and not allow it to be claimed as the sole patrimony, or inheritance, of any particular Church. On this point, he thus expressed himself, when speaking of the supreme importance of a right settlement of this University Question, "Wherein then, (he asks,) lies its real and peculiar importance?" He answers:—

In this—that it is a question, the prospective bearings of which, on the most vital interests of the community, are, beyond all calculation, greater than those of any other subject with which the Legislature has, at this time, to deal. The matter in hand is nothing less than the framing of the mould in which are to be cast the minds of our future Statesmen and Legislators, Divines and Instructors of Youth, Lawyers and Physicians; the minds which, come what may, will form the intellectual and moral, as well as the constituted, power of the land, and exercise over our descendants that irresistible influence which is the inalienable possession of superior knowledge.

It is nothing less than this,—how are we to place, and into what hands are we to put a lever which will hereafter move, for weal or woe, the whole social mass of Upper Canada? Is this mould to be constructed of such capacity as to receive and fashion the ingenuous spirits of our children, to whatever section they may belong, for the common good, or is it to be a costly instrument, provided at the public expense, for the benefit of a few, to shape and harden the rising genius and talent of the Country into the rigidity of party? Is this lever to be entrusted to irresponsible hands, or jointly committed to those who are all alike deeply interested in the application of its incalculable power? This is the question. . . . (Page 4 of the Pamphlet.)

In order that there should be no misapprehension as to his idea of the kind of University to which he here refers, and which should alone, in his estimation, be entrusted with all-important function of imparting a high intellectual tone and character to the coming race of public men and youth of this Country, he thus gives this large minded, complete and satisfactory, answer to the question as to—"What is a University?" He said:—

What is a University?—for elementary, as the question may be, we feel that it is needful to ask it—What is a University? Not a mere Charter and Endowment, and a staff of Teachers in various branches of art and science—not a mere *infundibulum* of knowledge, of this and that kind, into the intellect and receptacles of the memory—but a minature world—a commonwealth of varied dispositions and tastes and talents, in which a man is not merely taught to know, but trained and stimulated, amid the multitude of his fellows, to reason, and to act, and to excel in



all matters intellectual and moral—in which, not more by the instructors of qualified perceivers, than by the inspiring contact of other minds, engaged in friendly rivalry in similar pursuits, the early spark of talent is kindled—the individual capacity experimentally ascertained and strengthened—the erratic bent of individual taste and genius restrained and beneficially directed—the energy of the individual will repressed, where excessive, and invigorated, where weak—the timidity and self-distrust, which are not seldom the natural accompaniments of the finest powers, and the presumption as often attendant on limited abilities, alike worn off before the period of public action, and with infinitely less cost and pain than in the ruder school of worldly experience—where, in short, by the play and action of mind upon mind, the future guardians of man's best interests are led each to know, in some measure, practically, his appropriate part 'ere he comes forth to perform it—and where all this goes on under the direction and example of the learned, the wise, and the pious. (*Ibid*, page 11.)

Not less interesting are the expositions,—more or less full and comprehensive,—as to what should be the policy and practice of Upper Canada in dealing with the University question, which were given by the Honourable Messieurs Baldwin, Draper, Merritt, the Reverend Doctor Ryerson, and others, which are contained in this Volume.

The Speech, or Address, of the Honourable William H. Draper, as Counsel for King's College, at the Bar of the House of Assembly, against the Baldwin University Bill of 1843, is, in spirit and tone and substance, in striking contrast with his Speech in explanation and defence of his own University Bills of 1845. The one was purely technical and legal in its phraseology and arguments; the other was outspoken and patriotic, in its appeal to the moderation and good sense of the House of Assembly, to settle this University Question on a just and equitable basis.

Doctor Ryerson's trenchant criticism of Mr. Draper's Speech at the Bar of the House,—in which he contrasted Mr. Draper, as the "Advocate of King's College" and Mr. Draper as the "Law Adviser of the Crown,"—forms an interesting episode in the discussion of this University Question.

Mr. J. Hillyard Cameron's Speech at the Bar of the Assembly,—as Counsel for King's College,—against Mr. Draper's four University Bills of 1845, forms another striking episode in the prolonged contest, in regard to this vexed question of University reform. The coincidence of this contest of Counsel against Counsel was a subject of much remark and created a good deal of interest at the time. Mr. Cameron, however, adopted the same legal tone, and also many of the arguments of his Predecessor, as Counsel of King's College.

The very full and most interesting detailed information, which Doctor Ryerson gives in Chapter XXIV, of the Schools and other Educational Institutions of the Old Land, and of the Continent of Europe,—during his tour of inquiry in 1844, 5,—throws a vivid light upon his future plans and policy, in laying broad and deep, the foundations of our School System.

The reminiscences of the old Teachers and School Inspectors, which are given in Chapter XXVII, are both interesting and historically instructive. They

graphically illustrate, by way of contrast, the "then and now" of our educational progress as a people.

The Chapter in regard to the Indians,—their material and educational progress,—is full of interesting details, compiled and condensed, as it is, from various publications, and from an elaborate Report of Commissioners, appointed by Sir Charles Bagot, to collect full information on the subject, for the Imperial Government.

I have also inserted in an Appendix two documents of much historical interest. The first of these documents was prepared by the Reverend Doctor Strachan of York, and the Reverend Robert Addison of Niagara, in 1815, and is stated to be a "Report" in favour of some general system of Education, which would embrace Common and Grammar Schools, and a University. To this document is appended a Memorial to Sir Gordon Drummond, then acting Governor, embodying the substance of the Report. This paper was afterwards largely used by Doctor Strachan, in the "Appeal in behalf of a University for Upper Canada," which he issued in London, in 1827. This document is copied from one of Bishop Strachan's Private Letter Books of 1812-1834, which was lent to me by the kindness of a Member of his Family.

The second document in the Appendix illustrates an interesting episode in our early provincial history, in connection with the settlement of the County of Glengarry, and the War of 1812, in both of which, Bishop Macdonell of Kingston bore so conspicuous and honourable a part.

The preparation of this Volume has involved, (as have the preceding ones,) an unusual amount of labour and research. Old newspaper files, old pamphlets, old letters, and various records, public and private, had to be carefully examined, and notes taken, before having the necessary documents and papers selected therein transcribed.

Up to 1844, the records of the Education Department have not furnished me with any information for this Documentary History. Every fact and item, which has gone to make up each of the preceding Volumes of this History have had to be obtained from outside sources, as best I could. Personal friends, and private letters and other papers have been put under contribution to furnish material for these Volumes, and a large amount of personal effort has been put forth to collect and blend the often heterogeneous material into the consistency and shape of a continuous narrative. Hence, the work itself is somewhat unique—requiring much patience, and labour, to make it worthy as a work of reference, with the information contained therein as full and consecutive as possible. Its tedium, and somewhat dryness, have been relieved by notes and remarks, interspersed here and there in the successive Chapters.

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Librarian and Historiographer of the  
Education Department for Ontario.

TORONTO, 28th of October, 1897.



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## CHAPTER I.

## THE BALDWIN UNIVERSITY BILL OF 1843.

## PROCEEDINGS WHICH LED TO THE PREPARATION OF THIS BILL.

The legislation of 1837, which resulted in the passage of the Act, 7th William IV, Chapter XVI, to amend the Royal Charter of King's College, granted in 1827,\* allayed, for a time the agitation against the exclusive character of the Charter, which, during the preceding ten years, had been kept up by the public with ever increasing vigour.

The claim urged by the promoters of Queen's College, Kingston, for the appointment, in King's College, Toronto, of a Presbyterian Professor of Theology, as recommended by a Committee of the Imperial Legislature in 1828,† or, as an equivalent, for the endowment of a Chair of Presbyterian Theology in Queen's College itself, had its effect in keeping alive the subject of University Education in Upper Canada down to the time of the Union of the Provinces of Upper and Lower Canada, in 1840, and the Meetings of the Legislature of the newly united Provinces in 1841 and 1842.

The circumstances connected with these matters, and the correspondence relating to them, are given in detail in the preceding Volumes of this History. It is not necessary to further refer to them here.

The passing of an Act, incorporating Victoria College by the Canadian Legislature in August, 1841, and the granting of a Royal Charter to Queen's College, by the Imperial Government, in October of the same year,‡ increased the interest which the promoters of these two Colleges felt in University Education in Upper Canada, thus based, as that education was, in these Colleges, upon a more popular system than that which governed King's College. It also brought the adherents of these Colleges very much together; and this contact resulted in their combined action to advance more effectively the common object, which both had put forth such strong and generous efforts to promote.

## RESOLUTIONS OF QUEEN'S COLLEGE BOARD ON UNION WITH KING'S COLLEGE, 1842.

In this matter, the promoters of Queen's College took the initiative in September, 1842. On the 8th of that Month, the Board of Trustees of Queen's

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\*Pages 222-225 of the First Volume, and 88-89 of the Third Volume of this Documentary History.  
†Page 254 of the First Volume. ‡Pages 57-61 of the Fourth Volume. ¶ *Ibid.* pages 84-88.

college held a Meeting on the subject, at which the question of further legislation in regard to the University of King's College was considered, and the following Resolutions relating to the matter were passed :—

*Resolved 1 :* That, inasmuch as, since the recent movement of the commencement of King's College, Toronto, doubts have been expressed to this Board from various quarters of the expediency of making Queen's College anything more than a Theological School, this Board feel themselves called on to adopt the following Resolutions :

*Resolved 2 :* That they, in common with the Presbyterian population of the Province, always entertained the conviction that it was most expedient that King's College, with its ample public endowment, should be, in the proper sense, a University for the whole population, without respect to the Religious Creed of the Students, and that they were led to take measures for founding and establishing a separate College, only when the prospect of the actual commencement of King's College, and the attainment by the Presbyterian population of their due influence in the administration of that College seemed to be indefinitely postponed.

*Resolved 3 :* That now, when these circumstances are altered, inasmuch, as that measures are in progress for beginning the business of instruction in King's College, and a spirit of conciliation and liberality pervades the councils of the Provincial Government ; the Board feel themselves called on to declare that they have no wish to appear to stand in an attitude of rivalry with that Institution, but rather to help it forward, as far as they can, consistently with those interests which are committed to them by Royal Charter, and that they are ready to concur in any legislative enactment that shall empower them to limit Queen's College to the department of Theological instruction, and that shall authorize the removal of said College to Toronto ; provided that the other powers and privileges conferred by the Charter shall not be infringed on ; and provided further, that a fair and virtual influence shall be conceded to this Board and to the Professors of Queen's College—in the administration of King's College ; and that all reasonable aid and facilities shall be afforded to this Board for making the change herein contemplated.

*Resolved 4 :* That this Board shall appoint Commissioners to communicate these Resolutions to His Excellency, Sir Charles Bagot, the Governor-General, and to take such other action respecting them as they may see fit ;—the Board declaring that they do not, in the meantime, either for themselves, or for any part of the Presbyterian population, forego any of the claims which they have on King's College, that, on the other hand, they will exert themselves to the utmost to obtain the endowment of a Theological Professorship from the funds of said College for which the Government is, in various ways, pledged to the Presbyterian Church, and also to put Queen's College on the most effective footing, according to the present scope of the Charter as a general Literary and Philosophical, as well as Theological, Seminary.

The foregoing Resolutions having been put to the vote was carried by a majority, Messieurs Pringle and Mowat voting against them. The Reverend Peter Colin Campbell declined voting, for reasons stated to the Board.

It was further

*Resolved 5 :* That the following Members be appointed Commissioners to take the necessary action respecting the foregoing Resolutions, videlicet : The Very Reverend Principal Liddell, The Honourables John Hamilton, William Morris, James Crooks, John McDonald, Thomas McKay, Peter McGill ; the Reverends John Machar, Peter C. Campbell, Alexander Gale ; Messieurs Francis A. Harper, and James Morris.

#### REPORT OF THE QUEEN'S COLLEGE COMMISSIONERS ON THE UNION OF THAT COLLEGE WITH KING'S COLLEGE, 1843.

At a Meeting of the Board of Trustees of Queen's College, Kingston, held on the 1st day of March, 1843, a Deputation of the Commissioners' appointed by the Board to negotiate a Union of Queen's College with King's College reported as follows :—

The Deputation appointed by the Commissioners from the Trustees of Queen's College, (in the matter of the proposed union with King's College, committed to said Commissioners by the Board of Trustees), beg leave to report :

\*The whole of the Correspondence and proceedings, (in regard to this Theological Professorship), is given in Chapter VI., pages 88-108 of the Fourth Volume of this Documentary History.



That, since the last Meeting of the Board of Trustees, they proceeded to Toronto with the view of ascertaining the sentiments of the Council of King's College regarding the subject of the Union ; that they sought and obtained private interviews with most of the Members of that Body, believing that during said interviews a knowledge of the real character of the sentiments of the Members might be better acquired than in any other manner.

The Deputation easily ascertained that a decided majority of the Council were unfavourable to the idea of Union ; and, after spending as much time in Toronto as seemed requisite for the accomplishment of the task committed to them, the Deputation transmitted to the Council through the Reverend Doctor Strachan, its President, the Documents with which they had been furnished by the Trustees, accompanied by a statement on the part of the Deputation, in which they endeavoured to meet some of the objections which had been raised against the proposed union, on the part of several of the Council and also to exhibit some views which may fairly be expected to be entertained by many on the general subject of the proposed union, and which, perhaps, the first Resolution of the Trustees on the subject could not with propriety have embodied at the same time,—the Deputation requested that the three papers above referred to videlicet: (1) The Resolution of the Queen's College Board, of date of the 8th of September last; (2) Resolution of Commissioners appointing the Deputation and, (3) Statement of the Deputation, might be laid for consideration before the first meeting of the Council, and that as soon as convenient, the reply of the Council as a Body might be transmitted to Kingston. The Deputation were assured by Doctor Strachan, the President of the Council, that this request would be complied with, as soon as the forms observed at Meetings of the Council would admit.

That reply has not yet been received, indeed it is scarcely time yet to expect it. The Deputation, however, beg to state it is their impression, from the disclosure of the views of the Members of the Council, made when the Deputation were in Toronto, that the Trustees should hardly entertain the hope that the reply of the Council will be favourable.

The foregoing Report of the Deputation having been read it was :

*Resolved:* That the Report of the Deputation of the Queen's College Commissioners appointed to communicate with the Council of King's College, in reference to the proposed union with the latter Institution, be received and approved of ; and that the thanks of this Board are due to the Reverend Principal Liddell and the Honourable John Hamilton, for the zeal and ability with which they have conducted the business deputed to them. It was further

*Resolved:* That these Gentlemen be requested to continue their negotiations on the subject of the proposed union, with such influential persons in the Country as may be likely to promote the object in view, and to report, to the next Meeting of the Board.

The Queen's College Commissioners' Deputation to the Council of King's College having, as directed, continued its negotiations with that Council, and had communications on the subject with other parties, presented their Report to the Board of Trustees at a Meeting held at Kingston, on the 3rd of May, 1843, as follows :—

In conformity to the Resolution of last Meeting of the Board of Trustees of Queen's College, the Deputation appointed to negotiate in the matter of the projected Union with King's College submitted the following Report :

That, since the last Meeting of the Board, they have, in pursuance of the request of that Meeting, had several interviews with the Governor-General, and with the Members of the Executive Council,

That for the purpose of putting the Governor General and Executive Council in possession of the views expressed and approved of by the Board, the Deputation have put into the hands of the Governor General, (1) a copy of the Resolution of the Board passed on the 8th of September last ; (2) a copy of the statement by the Deputation delivered to the Bishop of Toronto to be laid before the Council of King's College ; (3) a copy of Letter from the Bishop to the Reverend Doctor Liddell, declining to lay the Resolution and the statement before the King's College Council ; (4) a copy of Letter from Doctor Liddell to the Bishop, in reply to the foregoing, and a summary of statements, etcetera, regarding King's College.

#### RESULT OF THE CONSULTATION WITH THE MEMBERS OF THE GOVERNMENT.

That the Deputation have also submitted the views contained in these several papers to the Members of the Executive Council ; and they have much reason to believe that, on the part of His Excellency Sir Charles Bagot, and also on the part of the Executive Council, the general

principles of a Scheme of Union, as to a University Education in this Country, as therein exhibited, are decidedly approved of ; that, at the same time, it is the unequivocally expressed conviction of the various Members of the Executive Council, that to the success of the projected Scheme of Union the concurrence and hearty co-operation of the Methodist Body in this Country is absolutely essential.

#### CO-OPERATION OF THE METHODISTS ESSENTIAL TO THE SUCCESS OF THE SCHEME OF UNION.

The foregoing Report having been read, it was

*Resolved*, That the Board unanimously approve of this Report, and, inasmuch as it appears that the co-operation of the Methodist Body is essential to the success of the Scheme of the Union, on which this Board have entered, the Board request the Deputation to take such steps, as to the said Deputation may seem best calculated to secure the co-operation deemed necessary.

## CHAPTER II.

### CORRESPONDENCE BETWEEN THE REVEREND DOCTORS LIDDELL\* AND RYERSON ON THE UNIVERSITY QUESTION, 1843.

In accordance with the foregoing Resolution, steps were taken by the Queen's College Deputation appointed by the Board of Trustees, to give it effect. The result was, the following, and other correspondence on the subject of a union of the Colleges between the Principal of Queen's College and the Principal of Victoria College.

This Correspondence, (although the Letters of the Reverend Dr. Ryerson, Principal of Victoria College, are not available for this History,) is very notable and valuable, from the fact, that it reveals the exact state of feeling, on the University Question of that day, of two of the then most influential Religious Communities in Upper Canada,—next to the Church of England.

The Reverend Doctor Liddell's Letters, descriptive as they are, of the actual state and condition of King's College, and of the attitude towards the non-Episcopalians of the active adherents of that College, are very fair and candid. He had not, and could not, "extenuate" any of the proceedings of King's College, neither does he "set down aught in malice" Even the evidently hostile feeling of the governing body of King's College towards the promoters of Queen's College called forth no feeling of resentment. This hostility took a positive form, when the President of King's College refused even to submit to the Council of that College a proposition of union with King's College from the Board of Trustees of Queen's College.

The result of this refusal was the stronger desire on the part of the "outlying Colleges" to unite, with a view to strengthen the hands of the Executive Government of the day, in its earnest efforts to promote the settlement of the University

\*For a reference to the Reverend Doctor Liddell, see pages 83, 215 and 218 of the Fourth Volume of this Documentary History.

In addition to this Correspondence, the Reverend Robert Macgill of Niagara addressed a Series of Letters on the "Condition and Prospects of Queen's College" to the Honourable William Morris, Chairman of the College Board in 1842. They were, in 1846, published in pamphlet form.



Question in 1843, on a fair, honourable and equitable basis—satisfactory to all classes of the community. The suggestion to form this co-operative union was urged upon the friends of Queen's College, by Members of the Executive Council, as essential to the success of the efforts of the Government in the matter.

The Board of Trustees of Queen's College, acting upon this suggestion, as its records shew, appointed a Committee to confer with the Methodist Community, through its leaders, on the subject; and the Reverend Doctor Liddell soon afterwards placed himself in communication with the Reverend Doctor Ryerson, both verbally and in writing. The result was the following, and other Letters, on the then pressing University Question. These are, therefore, given, with the exception of those of Doctor Ryerson's, (which are not available in this connection). The Reverend Doctor Liddell's first, second and third Letters are as follows:

#### THE REVEREND DOCTOR LIDDELL'S FIRST LETTER TO DOCTOR RYERSON.

I need not apologise for writing to you on the subject on which we have oftener than once spoken together—the union of all our Colleges, as integral parts of one common University, in the Council, or Managing Body, of which, there shall be a just and equitable representation of the various Colleges, and then necessarily of the various leading interests of the Country.

At length the Trustees of Queen's College have moved in the matter—that is, they have recorded, in a Resolution, of the 8th of September, 1842 (page —) their willingness to amalgamate. They have appointed a Deputation of their number to ascertain whether the Council of King's College are willing to do so. The report of that deputation has been given,—it is to the effect that the majority of that Body are unwilling, and are hostile to the union.

If anything more is to be done, an appeal must be made to the Legislature,—through the Executive Government; and, it appears to me, that now is the time for action. I have seen, on this subject our new Governor General (Sir Charles Metcalfe)—and most of the Members of the Executive Council here in Kingston.

I have no authority from the Board of Trustees of Queen's College to write to you personally on this subject, I do so, merely as a private individual, and you may be sure that I would not have communicated with you on the subject at all, had I not felt confident of your more than readiness to join in the accomplishment of an object which, I am convinced, would be, more than any one can tell, for the real welfare of this Country.

I need hardly say that you must be full aware that all who enter into this scheme of College union must be prepared to make many sacrifices of a personal, local and gregarious character. We must endeavour to seize and retain firmly certain grand general principles,—matters of mere detail would then be agreed on without much difference of opinion.

I should have liked exceedingly to have seen you on this subject. In conversation, there are many things which one has an opportunity of stating, which, however, important, must be omitted in writing. Had the latter been open, I should have visited you at Cobourg, instead of writing to you. Were you here, or were I with you, I should submit to you the various Documents which now exist on this subject, and in which are contained the general principles, though not, of course, the details of a scheme of union.

They are: (1) the Resolution of our Board of the 8th of September, 1842, (see page —); (2) a Statement submitted to the Council of King's College by the Deputation from the Board, through the Bishop of Toronto; (3) a Letter from the Bishop, declining to bring the subject under the consideration of his Council; (4) an answer to the Bishop's Letter;\* (5) and a summary of statements on the subject.

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\* There is no record in the Minutes of the Council of King's College that the subject of the Union of Queen's College with King's College was ever brought before that Body in any shape. For copies of these Minutes of 1842 and 1843, see pages 164-202, and 275-300 of the Fourth Volume of this Documentary History.

Until I can see you, I shall give you, from the second of the above, an outline of the plan :—

#### OUTLINE OF THE PROPOSED SCHEME OF QUEEN'S AND KING'S COLLEGE UNION IN 1843.

1. That there should be but one University, to be styled, for instance, "The University of Toronto."

2. That there should be as many separate Colleges, within the University, as the known and expressed wants of the Province might require ; each separate College having a governing power of its own, according to its own peculiar Charter, or constitution ; and all the Colleges being subject to the power of the Provincial University Council, which should be paramount in all matters of a general nature, as affecting the character of the Institution, as a University.

3. That each separate College should be represented by one, or more, of its Members, in the University Council, or department, of the University. Thus there would be afforded, first of all, in the literary and philosophical College, that sort of instruction, so wisely deemed necessary in Britain, to form a part of an enlightened and liberal education ; and, to students having passed, with approbation, through such a course of instruction, the various other Colleges would supply the peculiar species of learning appointed as necessary by the various Bodies and Departments into which it might be the desire of the respective students to enter ; and thus also the various interests of the general community would be represented in the supreme governing Court of the University ; each interest being there felt to be justly recognized, and all interests there meeting and coalescing, thence to go forth in the active vigilant government of the common University, for the general welfare of the Country.\*

#### SUMMARY STATEMENTS OF FACTS IN REGARD TO KING'S COLLEGE.

The following is the 5th, or last, of the above papers, from which you will also see what are the general principles set forth :—

(1) King's College has been endowed with public property, to a very great amount. There are 250,000 acres of land, which, with good management, might be expected, at no distant period, to yield a revenue of £12,000, or £15,000 a year. It is thus the most wealthy Educational Institution in British North America.

(2) It is just and reasonable that all the great sections of the community should have the benefit of this endowment, not only as to admission and instruction and degrees, but admission to its management, upon some defined and specific plan of representation in the Council of the University.

(3) The Legislature has recognized this principle in the amended Charter of 1837.

(4) This amended Charter, however, does not provide for the permanent and equally proportional influence of the various classes of the community :—the government of the University being, *de facto*, in the hands of the Episcopalian Body, whose influence is also increased by the appointment of Professors exclusively Episcopalian.

(5) From the circumstance of the Episcopalians having the preponderance at starting, the apprehension is naturally entertained, that the University will be moulded into a permanently Episcopalian form.

(6) This last circumstance is so much felt by the public, who desire, and have a right to expect, that all Ecclesiastical Bodies should enjoy a due share in the management, that the Institution cannot be expected to go into operation with that measure of cordial support and co-operation on the part of the public generally, which, in the case of an Institution so liberally endowed with public funds, is so highly necessary and desirable.

(7) The feelings of distrust generally experienced, are greatly strengthened by the appointment in King's College of a Professor of Divinity of the Church of England alone.

(8) Though King's College should proceed under these circumstances, it may be argued that, under the amended Charter, other Bodies, as well as Episcopalians, may have a chance of acquiring influence in the College Council ; but it is obvious that this,—(which is not likely, as the business is to begin under Episcopalian influence),—could only be effected by perpetual contentions for influence in the University, which would make the University a source of political animosity, whereas, as a seat of learning, it ought to be so constituted in its Council of management, as to make it the place, of all others, destructive of feelings of animosity.

\* Thus, it will be seen that, as early as in 1843, a liberal and comprehensive Scheme of College Confederation was projected in Upper Canada, but which was not practically realized until about fifty years later.



(9) This, then, is an excellent, perhaps the only opportunity, of making the University the means of allaying all those feelings of distrust, and of blending all great interests together.

(10) This object might be gained by securing to all the leading interests of the country a fixed and definite proportion of influence in the governing Council of the University. Each College, for instance, admitted upon certain conditions, to form an integral part of the University, and possessing a certain number of Professors, might have a specified number of its Professors as its Representatives in the Council. Thus there would be secured in the University Council, a Representative of the various interests of the country, and also of the various Ecclesiastical Bodies in it.

(11) If this opportunity be not embraced, and if King's College is to go into operation under exclusively Episcopalian influence, and if the Episcopal Church is to be the only one which is to have a Divinity Chair in the University, other Ecclesiastical Bodies will feel that they have a right to demand endowments in the same proportion, for similar Institutions, as much under their control as King's College is under that of Episcopalianism,—which would be an intolerable, wasteful and unnecessary drain on the public exchequer. The Legislature would then be at a greater expense in perpetuating dissens on, than in satisfying the just claims of all parties, while they would lose the opportunity of producing harmony among the people.

(12) The funds of King's College are amply sufficient for affording a University Education for all.

(13) The arguments may be advanced by Episcopalians, that the Charter of King's College is liberal enough, but other parties will view this as a mere evasion, inasmuch as, having now the exclusive management, it is most natural that that party will make every effort, not only to retain their influence, but to increase and strengthen their interests, by means of the University; and it is hoped that other Ecclesiastical Bodies have no wish to be in perpetual conflict with the Episcopalians for influence in the management of that Institution.

It is a notorious fact that at present King's College is viewed with distrust by the whole community except by Episcopalians; and even among them it is well known that there is a very considerable proportion who would rejoice to see a system adopted, in reference to the management of the affairs of the University very different from that which has hitherto been pursued.

I find I cannot insert more, but enough I think is before you to enable you to form an idea of the general plan. Be so good as to let me know your views on it. If you are to be here very soon, so much the better.

THOMAS LIDDELL.

KINGSTON, 21st of April, 1843.

(NOTE.—I regret that I have been unable to obtain from any source copies of the Reverend Doctor Ryerson's replies to the foregoing and following Letters of the Reverend Doctor Liddell. Among his papers left with me by Doctor Ryerson, were the original of these Letters from Doctor Liddell, but in no case were there among his papers any of his replies to them. Having applied to the authorities of Queen's University for copies of Dr. Ryerson's Letters, if among the archives of that Institution, I received the following reply from Mr. George Y. Chown, the Registrar: "I have gone carefully through the Correspondence of the University, and regret that I am unable to find any Letters from Doctor Ryerson to Doctor Liddell." The substance of Doctor Ryerson's replies may, however, be gathered from Doctor Liddell's reference to them.--J. G. H.)

## THE REVEREND DOCTOR LIDDELL'S SECOND LETTER TO DOCTOR RYERSON.

At a meeting of the Board of Trustees of Queen's College held the other day, it was resolved that, with a view to facilitate the accomplishment of the object of the Union of Colleges in one University, a Deputation of their number, which was appointed, (and of which I am one) should take such steps, in communication with the authorities of Victoria College, and with the Methodist Body generally, as might be deemed, by the Deputation, best fitted to aid in the attainment of an object so desirable.

### THE SCHEME OF COLLEGE UNION TO BE BROUGHT BEFORE THE VICTORIA COLLEGE BOARD.

Will you be so good as to inform me what you regard as the most proper and respectful mode of bringing the matter before the authorities of Victoria College? Or, perhaps, you may yourself bring it under their consideration. Only, I would suggest that whatever is to be done, must be done immediately. The subject will be forced on the consideration of the Government



early in the Session, and it is of vast importance that the Government,—the Members of which are exceedingly disposed to move in the matter, should be prepared to state the alterations which they are ready to make in the Charter of the University, endowed for the benefit of us all.

What you and I must labour at, is to impress on all concerned in the management of our respective Colleges, the necessity of the possession of as high a standard as possible of Ministerial qualification, and that this standard, nothing but a thorough University Education can secure. Such an education, I am convinced, we may now secure, if we be prompt, energetic and united, without any sacrifice of our respective Ecclesiastical peculiarities, and with no expense to the Ecclesiastical Bodies to which we belong,—leaving our Theological Colleges to occupy the ground which, as separate and independent Ecclesiastical Bodies, we have a right to maintain.

I have seen repeatedly the various Members of the Executive Council here, and am persuaded that the practical difficulties to which you have referred could be easily overcome.

The Government could, for instance, make use of your building in Cobourg as a Normal School, of which the Province is greatly in need,—and your Masters they could employ as conductors of it if found qualified. The Government, I am sure, from the friendly spirit manifested, are ready to look at any minor difficulty with a determination that such should not stand in the way of a great healing measure, such as that which is contemplated.

And, with respect to your Body, as such, let me know in what way the Deputation may best approach them. I think you mentioned that your Conference meets in the first week in June. Where does it meet? I should have no objection to attend the Conference, and in that way bring the subject of the Union of our Educational Institutions before them. But I trust to your suggesting the most proper way of proceeding.

THOMAS LIDDELL.

KINGSTON, 16th of May, 1843.

#### THE REVEREND DOCTOR LIDDELL'S THIRD LETTER TO DOCTOR RYERSON.

I had the pleasure of receiving your obliging Letter. Your Conference Meeting is on the 16th instant. I perfectly agree with you in what you say as to the propriety and advantage of each Body moving separately and independently. I merely offered the suggestion which my last Letter contained, in case that you might think that it would be of any use, for any purpose, that I might be present at your Meeting.

#### QUESTION OF THE CONTINUANCE OF VICTORIA COLLEGE DISCUSSED.

With regard to the plan we talked over, implying the annihilation of Victoria College, I proceeded upon the supposition that, in the erection and establishment of it, your Body had in view chiefly the Theological training of your own candidates for the Ministry; and that you, having made it a Literary Institution, arose from necessity, not from choice,—as was the case with the Presbyterians,—there being then, no Literary Institution in existence. But, if it be the desire of your Body that Victoria College should be a Preparatory Literary Institution, I see nothing at all in its continuance as such, to interfere with the great principles of our proposed plan—the only plan, as it appears to me, to prevent King's College from being always the exclusive Institution practically, which it is at present.

#### THE HONOURABLE FRANCIS HINCKS' PLAN OF UNIVERSITY GOVERNMENT.\*

I have no doubt that you will take care that the deliverance of your Conference, as well as that of your College Authorities shall embody the principle stated in the proposal of Mr. Hincks, that the Council of the University shall have to do only with the Literary Department of the University, and that the Financial Management shall be lodged in a Board, in which shall be represented the various interests of the Country, not excluding, of course, the Ecclesiastical interests. Mr. Hincks proposes that this latter Body should embrace:—the Governor, the Chief Justice, the Vice-Chancellor, Attorney and Solicitor Generals, Speakers of both Houses, Members of the Executive Council, President of Board of Works, Bishop of the Church of England, Roman Catholic Bishop, President of Methodist Conference, Moderator of the Presbyterian

\* In a subsequent Chapter, will be given a Speech of the Honourable Francis Hincks, explanatory of his views, and those of the Government, (of which he was a Member,) on this University Bill, which had been introduced into the House of Assembly by Attorney General Baldwin,—the then Leader of the Government.

Synod, and, perhaps, the Members for City of Toronto and County of York,—the last a local influence and interest. But I need not trouble you with more on this subject. I know no one better acquainted with what should be done in a matter of this sort than yourself.

#### THE WESTMINSTER ASSEMBLY OF DIVINES IN 1643.

It occurred to me that the present is a fitting opportunity for all Churches desiring to resist error, and to bear testimony to essential Bible truth, to a friendly and brotherly conference with one another. It will be, on the 1st July next, just 200 years since the Assembly of Divines at Westminster sat, under the sanction of the Parliament, to which we owe so much for the preservation of so much British liberty. That time is to be commemorated, I see, by many of the Churches of the Reformation, of course not by the Church of England. If you think it would do any good, perhaps you will bring the subject under the consideration of your Conference. The subject will be considered at the next meeting of the Presbyterian Synod, which meets on 6th of July next. If you approve of this, perhaps it might be sufficient to appoint a Committee of your number to confer with the Committees, or Representatives, of any other Religious Bodies in the Country, who had taken up the subject. I hope you may see the advantage of entertaining this proposal favourably. Had I known the address of the Reverend Anson Green, I would have written to him on the subject, he being President of the Conference. Will you be so good as to mention this to him. I hope that nothing will be lost by my writing to you, instead, since I know not his address. In entertaining the proposal you will at once see that there is no necessity for any orthodox Body receding from that position which separates it from others, in minute, or unimportant, particulars.

THOMAS LIDDELL.

KINGSTON, 12th of June, 1843.

(NOTE.—Within a month after the date of this Letter, the Board of Trustees of Queen's College, and the Synod of the Presbyterian Church of Canada, held several meetings, at which the proposed scheme of College Union was discussed. The particulars of the proceedings of both of these Bodies follow here, in chronological order.)

### CHAPTER III.

#### PROCEEDINGS OF THE TRUSTEES OF QUEEN'S COLLEGE, AND OF THE PRESBYTERIAN SYNOD, ON UNIVERSITY MATTERS.

The following are copies of Extracts from the proceedings of the Board of Trustees of Queen's College, and of the Synod of the Presbyterian Church of Canada, in connection with the Church of Scotland, in regard to the scheme for the Union of Queen's College with King's College University.

*July the 10th, 1843.*—The Minutes of last meeting of the Board of Trustees having been read and approved of, it was agreed that the Reverend Doctor Liddell, should make a statement to the Synod of the plans and proceedings of this Board with reference to a Union with King's College, with a view to the putting of the Synod in possession of correct information on the subject. . . . (*Board Minutes.*)

*July the 10th, 1843.*—The Reverend Doctor Liddell addressed the Synod at great length, detailing the measures that were in course of being prosecuted for transferring Queen's College to Toronto, and of uniting it with King's College there. . . . (*Synod Minutes.*)

*July the 12th, 1843.*—The Board of Trustees agreed to request the Synod to recommend to Members to support the Board in their application to the Legislature for the transference of Queen's College to Toronto, and its union with King's College, by petitions from their own congregations, or the community in general. . . . (*Board Minutes.*)

*July the 12th, 1843.*—The Synod having resumed the consideration of Doctor Liddell's statements, respecting the transference of Queen's College to Toronto, and its union with King's College there, unanimously approve of the principles on which a union is proposed to be made ;\*

And the Synod hereby pledge themselves to use every effort to accomplish such union, as an object manifestly fraught with great advantages to the community in general ; and, as it appears that some of the subscribers to the funds of Queen's College contemplated the continuance of that Institution, not as a Theological College only, but as a University, the Synod cordially agree to represent to such subscribers the necessity which exists to unite in endeavouring to effect the proposed union ;—and as, even though the scheme of union should succeed, and Queen's College be made merely a Theological College, more than double the funds already received should be in possession of the Trustees, to enable them to carry on its business with efficiency.

The Synod further pledge themselves to continue and increase their exertions in behalf of Queen's College, in the way of raising funds for its support.

The Synod had transmitted to them an Overture on the subject of General Education, by Doctor Liddell, the Reverend Henry Esson, Doctor Cook, and Doctor Mathieson. The same was read, and referred to the Commission.

The Draft of a Petition to Sir Charles T. Metcalfe, Governor General, and to the two other Branches of the Legislature, on the subject of King's College, was approved of by the Synod, and ordered to be engrossed and subscribed by the Moderator, :—the tenor whereof is as followst :—

*Unto the Honourable the Legislative Assembly of the Province of Canada in Parliament assembled, the Petition of the Synod of the Presbyterian Church of Canada, in connection with the Established Church of Scotland :*

HUMBLY SHEWETH :

1. That Your Petitioners are deeply impressed with a conviction of the manifold and unspeakable advantages which would result to this country from cordial union among all classes and interests in this Province, in prosecuting the objects of Education,—especially a University Education :

2. That King's College and University, at Toronto, has been endowed with public property to such an amount as, in the opinion of your Petitioners, will secure an efficient Literary and Scientific Education to all the youth, especially in the western part of the Province, who may at present require such an Education :

#### DESIRABILITY OF EDUCATING UNIVERSITY STUDENTS TOGETHER.

3. That Your Petitioners cannot entertain a doubt that, if the youth of the Province, whose circumstances and talents might require and warrant a University Education, were to prosecute their Literary and Scientific studies together, in the same place and under the same Teachers, an amount of mutual and public benefit would be experienced, which it is impossible to estimate :

But Your Petitioners are firmly persuaded that such benefit, either to the Students, or to the public generally, cannot reasonably be expected to be secured, unless confidence be given to the general mind of the community, by an enactment on the part of the Legislature, granting and securing to the various sectional interests of the Province a just and equitable representation in the management and control of the University which has been so liberally endowed out of public funds.

\* A correspondent of the *British Colonist*, Toronto, thus explains the proceedings of the Synod in regard to the proposed union of Queen's with King's College: Principal Liddell stated that "Queen's College, although established by Royal Charter, has received no public endowment. The funds which have been realized, by private contributions, are limited ; and, without public aid or assistance from some quarter, beyond the amount subscribed, the greatest difficulty has been, and must continue to be felt in conducting the Institution, apart from what would be necessary for the erection of suitable buildings. When the Act first establishing Queen's College was passed by the Upper Canada Parliament, it was arranged that a certain amount should be paid annually to Queen's College, out of the King's College funds ; but this arrangement has never been carried into effect by the Government. . . . Considering all the circumstances, the Trustees of Queen's College thought it expedient to make proposals to the Executive Government and to the Council of King's College for a union of both Institutions. It was proposed to have one University ; that in it there should be separate Colleges from the various leading Denominations in the Province, each under its own distinct management.

† The same form of Petition is adopted for the several Branches of the Legislature, but with different addresses.



Your Petitioners are humbly, but decidedly, of opinion that no one interest ought to be felt by the community to be paramount in the management and control of an Institution whose origin and history are so well known as those of King's College and University, at Toronto ; and that the measure and extent of such control, as ought to be exercised by each interest in the Province, should be defined and secured by positive statute and enactment of the Legislature.

#### REASONS WHY QUEEN'S COLLEGE WAS ESTABLISHED.

4. That your Petitioners, all along have been convinced of the great advantages which would arise from co-operation, on the part of all classes, in the prosecution of the Literary and Scientific department of a University Education, were led to make efforts for the support of a separate University, only when, as it appeared to them, all hope was precluded of having King's College placed on a footing such as should command the confidence of the public in general :

#### PRINCIPLES ON WHICH UNITED CO-OPERATION CAN BE SECURED.

5. That the Synod cordially rejoice to believe that the obstacles to the attainment of an object so desirable can now be surmounted ; and declare their perfect willingness to concur and co-operate in a measure which may place King's College before the Country as a merely Literary and Scientific Institution, in the management of which, the various interests, Civil and Ecclesiastical, of the Country, shall be represented on such a plan as Members of the Legislature, in their wisdom, shall see proper to devise ; such enactment of the Legislature providing that Theological Colleges, as well as Colleges for Law and Medicine,—forming parts of, and adjuncts to, the University, originating with and supported by the various Ecclesiastical, Legal and Medical bodies in the Country,—shall be represented in the Council, or Caput, of King's College, for the management of its Educational business, as a University ; and that the same principle of representation should be recognized and exhibited in the management of the pecuniary affairs of the Institution, should the Legislature see meet to enact that a Board should be appointed for the management of the pecuniary affairs of the Institution, distinct from, and independent of, the Council of the University.

#### REFERENCE TO THE CASE OF MCGILL COLLEGE, MONTREAL.

It is also the opinion of your Petitioners, that although McGill College, at Montreal, was founded by the munificence of an individual, (the Honourable Peter McGill), still it was for the benefit of the public generally, and with no specified limitations as to the character of its management ; and as it requires to be supported as a University out of the public funds, what may be done by King's College for the youth of Canada West, ought, in the opinion of your Petitioners, to be done, and in substantially the same manner, by McGill College for those of the Eastern part of the Province ; the principles which ought in equity to guide in the management of the one Institution, being applicable also to the other.

May it therefore please Your Excellency (and Your Honourable House,) to take the premises into your serious consideration, and your Petitioners, as in duty bound, will ever pray.

In name and by appointment of the Synod, at Toronto, this Twelfth day of July, One Thousand Eight Hundred and Forty-three years.

JOHN CLUGSTON,

Moderator of the Synod.\*

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\* Extracted from the "Minutes of the Synod of the Presbyterian Church of Canada" in connection with the Church of Scotland, Session xiii., holden at Toronto, 6th-12th July, 1843.

\* The Reverend John Clugston was sent out by the Glasgow Colonial Society of the Church of Scotland to Quebec in 1830. In 1844, he returned to Scotland and joined the Free Church there. (*The Reverend Doctor Gregg's "History of the Presbyterian Church in Canada"* ; 1885, pages 402, 403.

## CHAPTER IV.

### FURTHER CORRESPONDENCE BETWEEN DOCTORS LIDDELL AND RYERSON ON THE UNION OF QUEEN'S AND KING'S COLLEGES.

After these official proceedings on the part of the Board of Trustees of Queen's College and of the Synod of the Presbyterian Church of Canada, had taken place, Reverend Doctor Liddell resumed his Correspondence with the Reverend Doctor Ryerson, as follows:—

#### THE REVEREND DOCTOR LIDDELL'S FOURTH LETTER TO DOCTOR RYERSON.

. . . I now beg leave to write to say, that we must endeavour to resume our work of inquiry, as to the practicability of getting anything done to place the University on such a footing as may give confidence to the public mind in the management of its affairs.

#### POSITION AND STATUS OF VICTORIA COLLEGE CONSIDERED.

From your Letter I learn what presents itself to your mind, so far as your Body is concerned, as an objection, arising from the existence and working of your Institution at Cobourg. But I do not see why that Institution should be interfered with at all, should you and your Body wish it preserved intact, according to its present constitution; and if your Body find it to be necessary for their welfare.

Victoria College, as at present constituted, and doing its present work, might, without any detriment, to the general principles which we talked over, be let alone—and still these general principles would allow of your Body, at any future time, availing itself of them, and acting on them, in establishing a purely Theological College, if your Body saw that so doing might, in any degree, be an advantage to it.

. . . I am anxious to resume the consideration of this subject; but before doing anything more in the matter, I write to you to ascertain if your Body, at your late Conference, has resolved to move in the way of Petition, to the Legislature, or otherwise, and what is your mind as to the steps which we should now take.\*

I am desirous that we should co-operate, cordially, in this matter,—as being one of no slight importance. If you are to be at Cobourg, I think I could see you there . . . or we might, perhaps, by oral communication, have an opportunity of stating to each other, many things, which cannot be noticed so well in writing.

Be so good, therefore, as to let me hear from you. I may mention that the Presbyterian Synod, at its last meeting at Toronto, in July, adopted a Resolution on the subject, and agreed also to send a Petition to the Governor General and to the Legislature.

THOMAS LIDDELL.

KINGSTON, 1st August, 1843.

During the interval which elapsed from the date of this Letter—written by the Reverend Doctor Liddell to Doctor Ryerson—until the meeting of the Legislature, on the 28th of September, 1843, the efforts of both parties concerned were directed to the perfecting of the details of the University Bill, (about to be introduced into the Legislative Assembly by the Honourable Robert Baldwin,) in the

\* The published Minutes of the Conference for 1843—June 14-23—contain no reference to any action being taken on the part of the Conference in regard to the Baldwin University Bill of 1843.

direction of, and in accordance with, their respective views on the subject. Various personal consultations were held, with the object of harmonizing these views; and, at length a generally satisfactory agreement was arrived at, and communicated to the Honourable Robert Baldwin, the promoter of the projected Bill, in the House of Assembly.

#### MAIN FEATURES OF THE BALDWIN UNIVERSITY BILL OF 1843 FORESHADOWED.

At a Meeting of the Board of Trustees of Queen's College, held at Kingston on the 22nd of October, 1843, the Reverend Doctor Thomas Liddell, Principal of Queen's College, as Convener of the Committee on the Union of Queen's with King's College, made a Report to the Board, in which he stated:—

That since the last Meeting of the Trustees the Draft of a Bill for the purpose of carrying such a Union into effect had been prepared under the direction of the Executive Council, and was about, without delay, to be introduced as a Government measure, into the Legislature.\* That although the said Draft had not yet been made public, a printed Copy had been given to the Committee of the Board, as acting for parties so deeply interested in the matter. The Principal stated that the Committee were exceeding happy in being able to report that the great principle, viewed as the basis of the measure, had been seized by the framers of the Bill, and preserved throughout the Draft, that, however, putting out of view some points of detail, on which the Committee have no doubt that the Government and Members of the Legislature will give due weight to their suggestions, there are some matters of no small importance in consideration of which the Committee feel themselves not warranted to proceed further without special instructions, and authority from the Board of Trustees in particular:—

1st. The absence from the proposed Bill of a clause imposing any religious test upon the Officers of the projected University of Toronto, or of the Colleges that might be hereafter founded in and to form parts of the said University.

2ndly. The terms, as regards endowment, on which the establishment of new Colleges in the said University, and their admission to share in its government, are provided for.

3dly. The disadvantageous manner in which the pecuniary claims and interests of Queen's College will be affected by the proposed Bill.

Whereupon the Queen's College Board of Trustees, after due consideration of the whole subject, unanimously:—

*Resolved* 1st. To record the gratitude and satisfaction which, as closely connected with one of the higher Educational Institutions of this Province, they feel at the promptitude and ability manifested by the Honourable the Members of the Provincial Government, in framing a measure so well calculated, in its main principles, to set, on a more advantageous footing than they are at present, the best interests of Canada, and to reconcile the due claims, and well being of all the great divisions of its inhabitants, on a subject of such vast importance to its future welfare.

*Resolved* 2d. That the Trustees of Queen's College, who were among the first to direct public attention to the desirableness of such a change as that which is now aimed at in the proposed Bill, while they have always contemplated the necessity for the effecting of that purpose of a modification of the position and powers conferred on Queen's College, as a University, by Her Majesty's Royal Letters Patent, and have declared their willingness to agree to such necessary modification, nevertheless cannot consent to the proposed alteration of the Royal Charter of Queen's College, without an assurance, that what they deem the main objects of their Incorporation shall be secured, and that the equitable claims and interests of the Institution be subjected to no unnecessary abridgment.

*Resolved* 3d. That the religious test appointed, in the amended Charter of King's College, for Professors in that Institution, having always been regarded by the majority of the inhabitants of this Colony as sufficiently liberal, and having never formed one of the subjects of complaint by any Religious Denomination, ought to be adopted for all Professors and persons con-

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\*On the same day on which this Meeting was held the Honourable Robert Baldwin gave notice in the Legislative Assembly of the introduction of this Bill. See page 231 of the Fourth Volume of this Documentary History.



cerned in the Executive and Legislative Government of the proposed University, and of all Colleges therein : and that this Board, as guardians of a Religious Institution, are of opinion, that their consenting to the substitution of a looser test might subject them not unjustly to the charge of unfaithfulness to the principles and feelings of those whom they represent,—might be injurious to the Colony,—and might prove a great and reasonable obstacle to the passing of a measure which they have very much at heart, as in other respects calculated so highly to benefit the community.

*Resolved* 4th. That the respectability, success, and safety of the proposed University at Toronto imperatively demand that all Colleges connected therewith, and admitted to share in its benefits and management, should be established on a decent and efficient footing. That this can be attained only by requiring, as a term of admission for such College in future, such an endowment as may support in every such Institution three, or at least, two properly qualified Professors, as well as provide for the erection of suitable Academical Buildings. That for such purposes the minimum endowment fixed in the proposed Bill is obviously by far too low, [*i.e.* an annual income equivalent to the value of one thousand bushels of wheat] and that any minimum less than four times the amount proposed must, in the opinion of this Board, prove most hurtful to the interests of the University and o Society at large,—must lead to an unnecessary increase of Colleges and of consequent religious division, and cannot fail to be used as a powerful argument against the proposed scheme. That this Board can the more confidently express a decided opinion on this point, inasmuch as they have had considerable experience of the wants and embarrassments of even a Theological Institution, especially at starting, and that they do not feel themselves warranted to consent to any scheme which, on terms so easy, and, in their judgment, so dangerous, may admit any party to share, on an equality with this Institution, the powers to which they, (now the Representatives of a University) are willing, mainly for the good of the Country, hereafter to be restricted.

*Resolved*, 5th : That this Board, considering that by the Act of the Provincial Parliament, by which they were at first incorporated, under the name of “The University at Kingston,” the claim of this Institution was acknowledged to an endowment from the funds of King’s College for the teaching of Theology, (a purpose to which, by the proposed scheme, Queen’s College is to be more particularly devoted,) which endowment it was understood was to be equal to a grant of £1,000 per annum,\* considering also that this College is about, in entering into the projected arrangement, to denude itself of its University Powers and functions, procured at the heavy charge on the funds of an infant institution of £700 ; that Victoria College one of the Institutions proposed to be incorporated with the University, has received from the public funds a loan (virtually a Grant) of £4,000, (or £5,000,) while Queen’s College has been founded and supported by private subscription alone ; considering further that the welfare of the Country and of the University alike require that the Colleges incorporated in the said University should be immediately and permanently established on an efficient footing, deem it their duty, in submitting their Charter to the Legislature, to stipulate that a larger allowance than that which is proposed, *videlicet*, £500 a year for the limited period of four years, (which they cannot regard as at all an equivalent for the depreciation of their Charter, and for their just claims), should be secured to them from the public, or University, funds, that they authorize the Committee, which shall be appointed to act in their name, to make this Board a party to the carrying out of the proposed scheme only on the condition, that, in addition to a building site at Toronto, a permanent grant of £600 a year, or an endowment of £5,000, to be invested in Building, with a permanent grant of £250 a year be appropriated to Queen’s College, out of the very large endowment of the King’s College University, with which it is to be connected ; and, that this Board, while it is more particularly their duty to secure the claims of this Institution, are fully prepared to admit that King’s College ought to receive equal aid from the University funds.

*Resolved*, 6th. That all the Members of the Queen’s College Board of Trustees at present in Kingston, be appointed a Committee, with the Reverend Principal Liddell as Convener, to watch over the interests of Queen’s College, during the progress of the proposed Measure of Mr. Baldwin’s in the Legislature ; that the said Committee be enjoined to lay before the Members of the Provincial Government the views of this Board of Trustees, as set forth in these Resolutions, and be empowered to make the Board a consenting party to the projected arrangement, only in conformity, so far as may be possible, therewith.

*Resolved*, 7th. That, with respect to the various points of detail connected with the said University Bill, the Board generally approves of the views expressed by the Reverend Doctor Liddell, and authorizes him, with the assistance of the Committee, to use his best endeavours to procure the favourable attention of the Members of the Executive Council, and of the Parlia-

\* See the Letter of the Honourable Robert Baldwin Sullivan on this subject, on page 94 of the Fourth Volume of this Documentary History.

ment to these points as most important, and, in some respects, essential to the successful and equitable working of this great Measure, the perfectness of which they are confident the Government and Legislature will be most anxious to secure.—*Extracts from the Minutes of the Board of Trustees of Queen's College.*

*November 13th, 1843*—The Board of Trustees of Queen's College, with the view of making the Members of the Legislature and the Friends of Queen's College aware of their sentiments on several important points connected with the proposed University Bill of the Honourable Robert Baldwin, have unanimously

*Resolved*, that the Committee be instructed to publish, in such manner as they shall deem best, the (foregoing) Report of the Committee on the said University Bill, received and approved of by the Trustees, at their Meeting held on the 18th of October last, and the Resolutions of the Board of the same date.

## CHAPTER V.

### LETTERS FROM THE REVEREND DOCTOR LIDDELL TO THE REVEREND DOCTOR RYERSON, (*Continued*).

#### THE REVEREND DOCTOR LIDDELL'S FIFTH LETTER.

Since Doctor Liddell's last Letter—the fourth of the series—was written, the Board of Trustees of Victoria College held a Meeting in regard to the Honourable Robert Baldwin's University Bill of 1843. That Board had passed a series of Resolutions on the College Question, and they, with a Letter on the subject from Doctor Ryerson, were published in the *Christian Guardian*. (See next Chapter.) The following fifth Letter from Doctor Liddell to Doctor Ryerson contains his remarks on these Resolutions, and his general views on the then aspect of the University question as presented in the Bill, and to the friends of Queen's College.

I had the pleasure of receiving your kind letter on Wednesday. Before writing to you in return, I wished to be in possession of the result of your proceedings as a Board. I have now received and read those portions of the *Christian Guardian* which relates to the Baldwin University Bill. . . .

Permit me to say that I perfectly concur in the views presented by your Board in the Resolutions adopted at your recent Meeting, and also that I fully sympathize with the Victoria College Board in the feeling which must have dictated the expressions apparently limiting their approbation of the obvious bearing and tendency of the Bill under consideration.

You know my opinion as to the effect which is sure to follow to the Country, unless we are all located in Toronto. I see nothing at all in the Bill, and believe that there is nothing in it, to prevent both you and us, (even supposing we all go to Toronto,) from being still literary in our character, from teaching in fact, what we choose, within our respective Colleges. The only thing restrictive in the Bill, so far as I can see, is, in reference to us both,—that we sink our University powers.

Both in Cambridge and Oxford, there are at least one, or two, Colleges which have, according to the terms of their separate Charters, schools attached to them, and why should it not be so in Canada?

So far as pecuniary matters are concerned, I am convinced that you could, most advantageously to your Body, treat with the Government in reference to your present College Buildings at Cobourg.

In referring to Queen's College in your remarks in the Preamble of the Bill, you are in error, in stating that "Queen's College has also been aided by Parliamentary Grant." Up to this moment, not a copper has found its way out of the Exchequer of the country into that of Queen's College.



In a merely private way the Trustees have been repeatedly told, for the last twelve months, that a grant of £450 Sterling was made at the close of last Session by Parliament to Queen's College, but the Board have had no official notification on the subject, and when they authorized their Secretary to write to the Government Secretary on the subject, they received for answer that the apportionments of money at the close of last Session were made in a hurry, and all in a lump, and that it was the understanding of Parliament that none should be given till the Meeting of this Session, when they would be again considered. So that the truth is, Queen's College has never asked for any money, and has gotten none. I presume that the framer of the Bill, therefore, in making the statement contained in the Preamble, in reference to pecuniary matters, as to Queen's College, wisely stated what he knew to be a fact then,—and what was a fact then is one still. This is a matter of no earthly consequence, but I merely wish to give you accurate information, even on it.\*

With regard to "wholly," and "principally," as applied to your Church and the Presbyterian, "wholly" may be wrong, as applied to you, and from your exposition of the matter, I see it is so; and, with regard to "principally," as applied to us, I presume that the framer of the Bill had in view what is stated in our Charter, that the Colonial Committee of the General Assembly in Scotland have some of the appointments to Queen's College in their power. But these are very small matters indeed.

Permit me to say that, in reference to what I regard as the two great objectionable points in the Bill. I rejoice exceedingly that you have assumed the high ground presented in your Resolutions. These points are the Test, and terms of Admission of New Colleges, etcetera, and endowments, as component parts of the University.

On the former point, I should remark that the Test required by the amended Charter of King's College ought to remain. It has never been complained of, while the absence of a Test in the Bill is the ground of much, and reasonable, not merely plausible, objection. All the real opposition to the Measure, and the only opposition which can be effectual, will be by those who object to it as too liberal. It is unnecessary to excite opposition, or to strengthen that which exists, on such a point as the Test. Among all the denominations known to exist in Canada, there are none anti-Trinitarian. Positively I do not much wonder at the emphatic criticism of our friend John of clause 64.

Let me inform you that the Honourable Francis Hincks has received the most urgent representations from a gentleman now on his way to London, that, as regards the Test, the Bill should remain as it is. From the same Gentleman I have had a Letter, two days ago, in answer to one I wrote to him, requesting him to give me his opinion on the above two points. On both of them he is wholly against our views. We must, you see, therefore, be strong and united in our representations on both these points to the Government.

On the endowment point, I should say, that the minimum endowment stated in the Bill, is not the income of a District Grammar School, and will seem only to degrade the University, destroy learning, and encourage the multiplication of small Sects *ad infinitum*.

The granting of a share in the management of the University, the future fountain of learning and science for Canada to the officials of Colleges, or Institutions, called by that name, which officials are to be supported, each upon his share of the revenue afforded by the residue of such an endowment, after a portion of it has been sunk in Buildings, cannot surely be contemplated. The endowment required ought to be sufficient to maintain respectfully three Professors in each College, or, at the very least, two, after the erection of Buildings;—and the maintenance of the Professors should be such as to afford security for their being fit persons to take a part in controlling the higher education of the country.

I have not seen any Member of the Government since I had the pleasure of meeting you last. I know their time is very much occupied, and I feel desirous not to distrust them. But I must endeavour to see the Honourable Robert Baldwin, at least before Monday. I wish exceedingly that you were here for a day or two. There are a great many points of detail in the Bill, on which I should like to converse with you. These matters of detail must, as it appears to me, be altered, otherwise the principal of the Bill is stultified. It is impossible to represent all these matters, (each of them petty in itself, but not so when taken in connection with others,) in writing, therefore, I need not enter on them now. If there be anything which you think I ought to do here, in regard to this whole matter, be as good as to write to me and tell me of it.

It appears now that your views and mine are substantially the same, as I believe they have all along been; and you may be sure that all the important matters, on which I have unreservedly

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\* In regard to the Parliamentary Grant to Queen's College, see pages 215 and 230 of the Fourth Volume of this Documentary History. It was made by the Legislature, but not paid, owing to some cause.



written to you, shall be taken up by the Trustees of Queen's College, and represented in the strongest manner possible. I think you have dealt very leniently with our Oxford Brother [the Reverend Doctor Beaven].

THOMAS LIDDELL.

KINGSTON, 3rd of November, 1843.

THE REVEREND DOCTOR LIDDELL'S SIXTH LETTER TO DOCTOR RYERSON.

In the following sixth and last Letter of the Reverend Doctor Liddell to Doctor Ryerson, he expresses himself very strongly on various features of the Bill, which were not acceptable to him, or to the Board of Queen's College Trustees,—especially the “Test” question and the Terms of Admission of Colleges to the Toronto University, as well as on a few details which required attention.

The Bishop of Toronto is to be heard, by Counsel, on his Petition, to-morrow evening; and I should suppose the debate, consequent upon the notice for the second reading of the Bill, may last for two nights. I should have liked much had you been here at this place, for a day or two. I may mention to you that the Governor General very much fears the competency of the Provincial Parliament to interfere with the Charter of King's College, without the direct sanction of the Crown.\* But it may be well for the opinion of Canada to be expressed on the general subject, through its Parliament, in order that the Crown may have some ground presented to it on which to stand, in giving a final deliverance.

I have expressed myself as strongly as possible to Members of the Executive Council on the points to which we have, each adverted, in our Correspondence with each other:—the Test,—and the Terms of Admission of Colleges. I have presented some remarks on the Bill itself to the Trustees of Queen's College. These remarks have been approved by the Board, and ordered to be printed and circulated, along with certain Resolutions adopted by the Board Trustees at a Meeting which happened to be held on the 12th of October,—the very day after the Bill made its appearance. The Trustees, at a Meeting held on the 13th instant—two days ago,—thought it desirable that, with the view of making the friends of Queen's College and the Members of the Legislature also, aware of the sentiments entertained by the Trustees of Queen's College on certain important matters which have found their way into the Bill, that these should be printed, to show in fact, that there are some things in the Bill which we desire to see amended.

There is in my “Remarks” presented to our Board, only one thing on which, I think, it is possible you may differ from me in opinion. This just shows how fraught with advantage an interview with each other would have been. The point I refer to is the removal of all the Colleges to Toronto, after a period, say of three, or five, or seven, years; up to which period all the rights and privileges of representation in the University and Board of Control should be enjoyed—these rights to be merely suspended after the specified period has elapsed, aye, and until the removal has been effected. Would you prefer that nothing were said on this matter at all in the Bill?

On this point, I may mention, that I have not spoken a word to any Member of the Executive Council. The Honourable Robert Baldwin I have not been able to see at all, as he is so busy as to be scarcely visible at his Home; and I am so busy that I cannot go to see him at the House of Parliament. The point on which I have almost exclusively laboured with those Members of the Executive Council whom I have seen, is the Test—which, in my view, is by far the most important.

It is possible that some of your Body, though not yourself, may be offended at the reference made in the Resolution of the Trustees of Queen's College to pecuniary matters, in the way of contrast between Victoria and Queen's Colleges. I presume that the public will put this construction upon the matter, so far as money is concerned, in regard to us both:—“It is need, not greed.”

You have, of course, seen the Petition of Bishop Strachan. If I had sufficient time, I could desire no better text from which to pound and expound the Bishop well! Have the goodness to write to me, if you cannot come East, and say if there be anything which I can do or ought to do, in this matter, or on which I can give you any explanation which you may desire.

KINGSTON, 15th of November, 1843.

THOMAS LIDDELL.

\* See the Chapters on this subject in the Third Volume of this Documentary History, pages 63 and 204.

## CHAPTER VI.

COMBINED MOVEMENT TO PROMOTE THE PASSAGE OF THE  
BALDWIN UNIVERSITY BILL OF 1843.

The Honourable Robert Baldwin, after a good deal of unofficial conference with various parties, and the full consideration of the subject by the Governor General in Council, introduced into the House of Assembly his liberal and comprehensive Bill, designed to enlarge the sphere, and extend the operations, of the University of King's College, on the 12th of October, 1843.

How far the discussion, of the question, as given in the preceding Letters of the Reverend Doctor Liddell, and by other parties, and at Public Meetings, modified the Bill, as originally prepared by the Honourable Robert Baldwin, cannot now be estimated; but that it was so affected—and changed in some respects, by these influences,—was well understood at the time.

The Executive Government, in its conferences with the Representatives of Queen's College, intimated that it would be well to secure the co-operation of outside parties, and especially of the Wesleyan Methodists. A movement was set on foot, therefore, to promote this object; and, on the 28th of September, as a preliminary step, a special Meeting was held in Toronto to consider what measures should be adopted respecting King's College. A special Meeting was called, at which it was decided that a Public Meeting should be held to discuss the question. That Meeting took place on the 2nd of October, 1843, in the Wesleyan Methodist Church on Newgate, (now Adelaide,) Street. Mr. Robert E., (afterwards the Honourable Mr. Justice,) Burns was in the Chair, and Mr. Hugh Scobie, Editor of the *British Colonist*, acted as Secretary.

At that Meeting seven Resolutions were adopted. Those present were the Reverend Messieurs William Rintoul, Adam Lillie, Henry Wilkinson, John Roaf, John Jennings, John Barclay, and several other gentlemen. A Petition to the Legislature was agreed to, in accordance with the various Resolutions which were passed,—the design of which is set forth in the two following Resolutions, which were adopted by the Meeting:—

*Resolved*, That publicly, ostensibly, and also, in fact and in reality, the present management of the University of King's College has fallen into the hands of one Religious Denomination; and that, besides the insuperable objection, on principle, to such exclusiveness, the evils of party management are already conspicuous, in the culpable and extravagant misapplication of its funds; and also in various circumstances of no trivial importance, calculated to excite the reasonable jealousy and distrust of other Religious Denominations, in regard to the sacred rights of conscience.

*Resolved*, That it is therefore highly expedient to petition the three Branches of the Legislature for the removal, before it becomes confirmed, of that Sectarian character already so manifestly assumed by the University of King's College; for obtaining such further modification of the Royal Charter of 1827 as will effectually prevent the recurrence of the evil; and for providing in future, such adequate representation in the College Council, of the leading Religious Denominations of the Province as will prove a practical guarantee, that no single Denomination whatever will, in the process of time and circumstances, usurp for itself an authority in the University, not less hurtful to the advancement of Education, than by provoking strife, injurious to the best interests of Religion.

## CHAPTER VII.

METHODIST ACTION IN REGARD TO THE BALDWIN UNIVERSITY  
BILL OF 1843.

As already intimated, the suggestion of the Executive Government to the promoters of Queen's College was, that, if they wished to aid in the project of University reform, as proposed in the Baldwin Bill, they should seek the co-operation of the Wesleyan Methodists,—their Conference and the Victoria College Board. Hence the proceedings of the Queen's College Board of Trustees, and also the Correspondence between the Principal of Queen's College, and the Principal of Victoria College, given in previous Chapters.

Among the many suggestions which Doctor Ryerson received on the subject, was one in the following Letter from the Reverend Henry Wilkinson, who was a Member of Victoria College Board. The Letter is interesting, from the fact, that it shows what active measures were being taken by the friends of Queen's College to promote the objects which its promoters had in view—"College Union and University Reform"—Mr. Wilkinson's Letter is as follows:—

There is a proposal being made to Petition the Legislature for the amendment of the Charter of King's College, or for a new one, as the case may be, so that other Religious Bodies than Episcopalians may share in the benefits of the large endowments, and peculiar privileges thereof.

The Reverend Alexander Gale of Hamilton is here in Toronto at present on this business. He is anxious that action should be taken on the subject in some form, so as to improve the present favourable opportunity, which the Members of the Government and the Governor General are willing, perhaps anxious, to introduce and perfect a general and liberal University measure, calculated to benefit all.

Of course, the general principle meets my views; but what we, even individually, ought to do in the matter, in view of our circumstances as a Church, is not so readily understood. We must of course act in some way as a Community, if the thing is stirred. Had we not better have a Meeting of the College Board, and act in some sense officially, or had we better act in our individual capacity, or would you advise us to refuse to co-operate in the matter at all?

Mr. Gale will visit Cobourg in a day or so, on behalf of Queen's College, with a view to see the Directors and friends of Victoria College there, on the same subject.

It strikes me that we will be safe in going for the liberal principle of the Baldwin University Bill, leaving the details to be provided for and arranged at a future day.

HENRY WILKINSON,

TORONTO, September the 25th, 1843.

## THE VICTORIA COLLEGE BOARD AND THE BALDWIN UNIVERSITY BILL OF 1843.

It having been decided, after consultation, to call a Meeting of the Victoria College Board, the Chairman issued the following notice to its Members:—

In accordance with the provisions of the Charter, a Special Meeting of the Board of Trustees and Visitors of Victoria College is hereby called, to take into consideration, among other matters,



a Measure now pending before the Legislature deeply affecting the Institution. The Meeting will be held in the College, on Tuesday, the 24th instant, at 9 o'clock a.m. A full and punctual attendance is earnestly requested.

EGERTON RYERSON, Chairman of the Board of Victoria College.

VICTORIA COLLEGE, October the 14th, 1843.

(This notice was sent to the following Members of the Victoria College Board, videlicet :— the Reverend Messieurs John Ryerson, (President of the Conference) ; Anson Green, (Ex-President) ; Alexander Macnab, (Secretary of the College Board) ; Henry Wilkinson, Richard Jones, Asahel Hurlburt, William Ryerson ; John C. Davidson ; Cyrus R. Allison and Conrad Vandusen ; Messieurs John Beatty, junior, M.D., John P. Roblin and Charles Biggar.)

### SKETCH OR SYNOPSIS OF THE BALDWIN UNIVERSITY BILL OF 1843.

In addition to the foregoing notice, the following comprehensive Sketch, or Synopsis, of the Baldwin University Bill, was published with the notice, for the information of the Members of the Board :—

A Bill has been introduced by the Honourable Robert Baldwin, Attorney General of Upper Canada, into the Provincial Legislature, which proposes that King's College shall be divided into two Institutions—the one to be called "The University of Toronto," and the other : "King's College, in said University." The University of Toronto is to consist of King's College, Queen's College, Victoria College, Regiopolis College, and the Royal Collegiate High School, (Upper Canada College) and of such other Colleges as may hereafter be incorporated with the University of Toronto. King's College, Queen's College and Victoria College are to be deprived of their University powers.

The executive management of the University is to consist of a Chancellor and Vice-Chancellor, and a Council, or Caput, to consist of the Chancellor, Vice-Chancellor, one Professor from each College, having less than four Professors on the foundation thereof, and two Professors from each of such Colleges, having more than four Professors ; Four Professors from the Faculty of Arts, and two from each of the two other Faculties of Law and Medicine. The Governor of the Province is to be Chancellor.

A Board of Control is to be established, consisting chiefly of lay Members. There are to be six Examiners for Degrees, which are to be conferred by the Convocation by Diploma.

It is purposed to give £500 per annum, for four years, out of the University Investment Fund, to each of the Four Colleges named, payable quarterly. The Royal Collegiate High School is also to receive £500 out of the University Funds for four years.

The Statutes of King's College are to be void, so far as they are contrary to the proposed Act and to the Statutes of the University.

The completion of the University Buildings is to be under the direction of the Provincial Board of Works, and no Buildings are to be erected after this, until the authorities shall have submitted the plans, and estimates of such Buildings, etcetera, to the Governor General.

Mention is made in the Bill of the Episcopalian Body in Canada ; not, however, as the Church of England, but as the Protestant Episcopal Church. This is fair to the other Canadian Churches. The Bill tells us plainly that there is, and shall be, no dominant Church in Canada.

### PROCEEDINGS OF THE VICTORIA COLLEGE BOARD ON THE "UNIVERSITY BILL," HELD IN THE COLLEGE, PURSUANT TO PUBLIC NOTICE, ON TUESDAY AND WEDNESDAY, OCTOBER THE 24TH AND 25TH, 1843.

Among the many Resolutions which were passed during the discussion of the Baldwin University Bill of 1843, none present the case of the "outlying College," and the claims and rights, (in the matter of University Education and of King's College,) of non-Episcopalians, in more clear, forcible and dignified

language than do the Resolutions, which were unanimously adopted at this Meeting by the Victoria College Board. The proceedings of the Board in this matter form a valuable contribution to the somewhat chequered history of University Education in Upper Canada,—the discussions of which have been so often conducted in unusually strong and undignified language.

At a Special Meeting of the Board of the Trustees and Visitors of Victoria College, the University Bill, which has been brought before the Legislature by the Honourable Robert Baldwin, on behalf of the Government, was taken into consideration; and after a careful examination of the Bill, and long and anxious deliberation on the various important questions and interests involved in it, the following Resolutions were unanimously adopted:—\*

1. *Resolved*—That this Board has observed with the greatest satisfaction and thankfulness the just and generous efforts of the Government to render the benefits of an University Education acceptable to all classes of the inhabitants of this Province to the greatest possible extent, without reference to forms of Religious Faith; securing the equitable rights and privileges of all, without offence to the peculiar opinions of any, and recognizing the Inspired Volume as the basis of the whole system.

2. *Resolved*—That such was the Christian and patriotic objects of the amended Charter of the University of King's College, which, by annulling a Sectarian test and supremacy, and placing that Institution, in its management and Professorships, upon the broad ground of the Inspiration of the Scriptures, and the Doctrine of the Trinity, clearly contemplated its operations upon that liberal and Christian foundation; but the noble and comprehensive objects of the amended Charter have been entirely defeated, and the abrogated Sectarian Charter has been virtually restored, by the partial and exclusive manner in which appointments to that Institution have been made, and its affairs managed, apart from the misappropriation of large portions of its funds.

3. *Resolved*—That this "University Bill" (of 1843) appears to provide effectually against the abuses which have been practised under the general and indefinite provisions of the Amended Charter of King's College, and for the future management of the University upon principles of justice and fairness to all parties, and under the control of persons identified with the Province and interested in the efficient operations of the University, and in the judicious expenditure of its funds.

4. *Resolved*—That, viewing the general objects and opinions of the University Bill in this light, we cordially concur in them, and give that Bill our warm approbation and support; although its present application to the Wesleyan Methodist Church, as a Body, from circumstances peculiar to ourselves, deprives us of important rights and privileges that we now enjoy, without conferring upon us any corresponding advantages, since all the resources which we have been able to obtain, both in this Country and in England, for the erection of College Buildings, have been expended in the completion of a commodious and expensive Edifice, at too great a distance from the seat of the proposed University of Toronto, as to render any of its advantages available to the Scholars and Students of Victoria College.†

5. *Resolved*—That, in view of the peculiar inconveniences and disadvantages to which the operations of the Bill must necessarily subject us, without its being in our power to enjoy the benefits of the University, we appeal to the just and enlightened consideration of the Government to grant us such assistance as our peculiar circumstances suggest, and to aid us to the utmost of its power in making any arrangements which may be hereafter deemed expedient and advisable to secure to the persons under our Institution the advantages of the University.

#### VARIOUS DETAILS IN THE BALDWIN UNIVERSITY BILL REQUIRING MODIFICATION.

6. *Resolved*—That, while we concur in the general objects and provisions of this "University Bill," we beg to submit the following matters of detail as appearing to require amendment or modification:

\* The original of these Resolutions are in my possession, which are in the handwriting of the Reverend Doctor Ryerson, Principal of Victoria College.

† In July, 1850, the Board of Trustees and Visitors petitioned the Legislature to authorize the removal of the Site of Victoria College from Cobourg to Toronto. An Act to that effect was passed on the 10th of August of that year, but was not acted upon.



(1) The legal appellation of our Church is not "Wesleyan Methodist Church in Upper Canada;" but "The Wesleyan Methodist Church in Canada."

(2) In the Preamble of the Bill, it is represented that Queen's College has been endowed by "private means alone," while "Victoria College" is represented as "endowed by private means aided by a Parliamentary grant:" whereas Queen's College has also been aided by Parliamentary grant.\* And, in the Ninety-Fifth Section of the Bill, Victoria College is represented as wholly under the control of Members of the Wesleyan Methodist Church, and Queen's College as principally under the control of Members of the Presbyterian Church; whereas, the President of the Executive Council, the Speakers of the Legislative Council and House of Assembly, and the Attorney General and Solicitor General for Canada West are *ex-officio* Members of the Board of Control, and appointments to the Victoria College Board are not restricted to the Members of the Wesleyan Methodist Church,† and both Episcopalian and Presbyterian Masters have been employed in the Institution.

(3) The Fifteenth Section gives the Convocation a power over the internal affairs of the several Colleges, in regard to discipline, appointments, etcetera, which is incompatible with their rights, interests and free operations. We think the power of the Convocation over the several Colleges should be restricted to determining the general standard and character of the education imparted by the said Colleges, without interfering with the appointments, duties, or salaries, of their Officers, or their internal discipline.

(4) While the Inspiration of the Scriptures is recognized in the former part of the Bill, the Sixty-Fourth Section disallows the requirements of any religious qualification of any Professor, Lecturer, etcetera, we are not aware that the qualification required by the amended Charter of King's College, that every Professor, or Teacher, or other Officer, should profess his belief in the Inspiration of the Scriptures and the Doctrine of the Trinity, has ever been objected to on the part of any considerable portion of the community; on the contrary, we believe that it has given universal satisfaction; and we should regret extremely to see that Christian provision excluded from the proposed Charter of the University by this Bill.

(5) Sections Twenty-One and Twenty-Two of the Bill, (especially the latter Section), require delays in the passing of Statutes which, it appears to this Board, may occasion serious and unnecessary inconvenience.

(6) In the Ninth and Fifteenth Sections, no quorum for the despatch of business is specified, in respect to either the Caput, or Convocation.

(7) In reference to the Thirtieth Section of the Bill, we would submit that no Charter of Incorporation should be granted to any person, or persons, to incorporate any College with the University, unless such party should erect, or cause to be erected, or secure an sum of money for the purchase or erection of Buildings, to the amount at least of Five Thousand pounds, (£5,000.) The present provision of the Section appears to be insufficient to secure any tolerable standing, or respectability, to the future contemplated Colleges of the University.

(8) This Board begs furthermore to state, for the information of the Government, that Victoria College, from the terms of the subscriptions, by which its Buildings have been erected, and the provisions of the Charter, by which it has been incorporated, must necessarily continue to be, as it has heretofore been, a Literary Institution, embracing the English, as well as Collegiate, departments of educational instruction, open to all classes of students, without any religious test, and with the establishment of a Divinity Professorship also upon its foundation.

(9) We would likewise submit that as three Churches,—Episcopalian, Presbyterian and Roman Catholic—named in the Bill, have received the proportion of the proceeds of the Clergy Reserves, which may be, for a long time to come, available to them, for general religious purposes, it would operate invidiously and unequally upon us, to apply the pittance which may be available to the Wesleyan Methodist Church, from the Clergy Reserve Fund in support of Victoria College, which has been, and from its character, ought to be, aided from other public sources.

(10) With this statement of our views and circumstances, and with the foregoing suggestions, which we respectfully submit to the consideration of the Honourable Authors of the University

\* See pages 215 and 230 of the Fourth Volume of this Documentary History.

† This has been changed; and, for many years, none but Members of the Methodist Church have been appointed to the College Board, or to the Senate of Victoria College.



Bill, we reiterate the expression of our cordial approval of its general principles and provisions, and consider the Government entitled to the thanks of the Province for the preparation and introduction of a Measure so just, so comprehensive, and so patriotic.

COBOURG, 25th of October, 1843.

EGERTON RYERSON, Chairman of the Board.  
JOHN RYERSON, President of the Conference.  
ANSON GREEN, Ex-President of the Conference.  
ALEXANDER MACNAB, Secretary of the College Board.\*

A Copy of this Report having been sent by the Reverend Doctor Ryerson to Mr. Higginson, Secretary to His Excellency the Governor General, the following reply was received from Mr. Higginson.

I am directed to acknowledge the receipt of your Letter of the 30th ultimo, and of the proceedings of the Victoria College Board on the University Bill, and to convey to you His Excellency's thanks for that obliging Communication.

KINGSTON, 2nd November, 1843.

J. M. HIGGINSON.

#### THE REVEREND DOCTOR RYERSON ON THE BALDWIN UNIVERSITY BILL OF 1843.

After this authoritative and decided opinion of the Board of Victoria College on the Baldwin University Bill, had been given in this official form, the Principal of the College wrote a vigorous and characteristic Letter to the Editor of the *Christian Guardian* newspaper on the subject. In that Letter, he took a comprehensive view of the whole question of University Education in Upper Canada, and gave an extended review of its past history in the Province. He criticised, in strong terms of reprobation, the exclusive policy, which, during the past years, had been pursued by the Council of King's College, and of those Members of the Church of England who, in the administration of the College, had upheld that policy, and who had persistently refused to make any concession to the "outlying Colleges," or to consent to any modification of the Constitution of King's College, so as to admit any other management, of that Institution but their own.

The following is a copy of this Letter, dated the 28th of October, 1843:—

Doubtless before this you have received from the Secretary, for insertion in *The Guardian*, a copy of the proceedings of the Victoria College Board Meeting, respecting the "University Bill," which has been brought into the House of Assembly by the Honourable Attorney-General Baldwin, as a Measure of the Government.

It is a Measure worthy of the most enlightened Government; and is, I have reason to know, entirely the production of the Attorney General, with nothing more than a single conversation with each of the parties concerned. No one of the parties concerned has been consulted more than another, nor has had otherwise anything to do in preparing the Bill.

The University question has been a good deal discussed publicly during the last few months. In that discussion the Authorities of Victoria College have taken no part. We have remained perfectly silent and neutral; not because we had no opinion as to the policy which has hitherto been pursued in converting a Provincial University into a Church of England one; but because we were disposed to leave the Government and the public to look, in the ordinary way, after Provincial interests, and because we, as a Body, had more to lose than to gain by any proposed

\* The Reverend Alexander Macnab was also, at this time, Secretary of the Wesleyan Methodist Conference. In March, 1850, he retired from the Methodist Church, and afterwards became Rector of Darlington, until the time of his death on the 15th of November, 1891, aged 80.

plan to remedy the abuse and evil complained of. As a Body, we gain nothing by the "University Bill," should it become law; it only provides for the continuance of the small annual aid which the Parliament has already granted; whilst, of course, it takes away the University powers and privileges of Victoria College—making it a mere teaching College in the University of Toronto. Our omission therefore from the Bill would be preferable, as far as we as a party in it are concerned, were it consistent with the general and important objects of the Measure. But such an omission would destroy the very character and objects of the Bill. As a Provincial Measure, it cannot fail to confer lasting honour upon the Government, and unspeakable benefits upon the Country. Viewing the Measure in this light, the Board of Victoria College have consented to resign certain of their rights and privileges for the accomplishment of general objects, so comprehensive and important.

In the opinions which have been called forth from our Board, respecting the management of the University of King's College, nothing has been intended to the disparagement of the Reverend Doctor McCaul, the Vice-President of that Institution, or of the literary Professors associated with him. My own opinion is, that Doctor McCaul ought not only to be Vice-President but President of our Provincial University. But complaints are directed against the obvious contravention and perversion of the objects of the amended Charter of King's College of 1837. The original Charter of King's College made it a Church of England Institution. That gave dissatisfaction to the Province. The Charter was therefore amended in 1837. The object of the amended Charter was then, to change King's College from a Church of England to a Provincial Institution. In all good faith, whatever was peculiar to the Church of England in the College ought to have thenceforth ceased in the University of King's College; otherwise the objects of the amended Charter had been clearly defeated. The Reverend Doctor Beaven, present Professor of Theology in that University, has proposed to enlighten the public on this subject through the columns of *The Church* newspaper. The Editor of that paper congratulated the public on their prospective enlightenment from so competent a source. At the end of three Communications of enlightened hits at the Presbyterians, the learned Professor makes one or two observations on the real question before the public. He asks, "Can it be proved that they, (the Council of King's College,) have abused any trust? Can it be proved that they have done any thing else than carry out, as far as circumstances permitted, the provisions of a Charter,—to portions of which, some of them may well be supposed to feel a decided objection? In reply I would say, that the very existence of the Reverend Doctor Beaven, as Theological Professor in the University of King's College, appears to me to be a conclusive affirmative answer to his own questions. The complaint against the original Charter of 1827, was, that it gave the Church of England an advantage over all other Churches in Upper Canada. The Charter was amended in 1837, in order to remove that ground of complaint. What business then has a Theological Professor of the Church of England to be in the University under the amended Charter, in contradistinction to a Theological Professor of any other Church? Could such an appointment have been made, without infringing the spirit, if not the letter, of the amended Charter?

The Inaugural Address of the Bishop of Toronto, delivered by him as President of the University, at its opening in June, furnishes another affirmative answer to Doctor Beaven's questions. There was much that was appropriate and interesting in that able Address; but was not the leading feature of it a condemnation of the amended, and a defence of the abrogated, Charter? And was not the moral of that Address an argumentative avowal that the University of King's College was, and ought to be, as much a Church of England Institution as Queen's College was a Presbyterian, and Victoria College a Methodist Institution? And have not all the internal regulations, with the bare exception of permitted absence from prayers under protest, been made in the spirit of that Address? Suppose a Theological Professor of some other Church had been appointed, and suppose the daily services of the University had been so formed as to require scrupulous Members of the Church of England to absent themselves from some of those services under protest, would there have been no complaints from the Bishop of Toronto and his friends that the "trust" had been "abused," and the amended Charter of 1837 had been neutralized, if not violated?

If the Council of the Government had not courage to use their influence to get the Chief Executive Officer of such an Institution removed, for commencing the public discharge of his official duties, by attacking, and trying to bring into contempt, the Law which he was bound to respect, both by example and precept, and faithfully and liberally to execute, it is matter of thankfulness that they have at length determined to prevent the Law in future from being thus perverted and abused. Indeed Doctor Beaven, charges injustice, and speaks contemptuously of the very Law of which he himself is an Executive Officer. He says:

"I cannot perceive on what grounds of fairness towards the Members of the Church of England the *soi-disant* 'Amended Charter,' was enacted, which deprived them of privileges they had never abused. Still less," (continues the Reverend Professor) "can I perceive how, on grounds of fairness, the Members of the present Council can be deprived of the rights and powers they possess, by virtue of their appointments, and the Church of England of the last fragment of honour left to it in the University, after previous spoils."



Now, I should suppose that a person of far more limited perceptive powers than those of this Theological Professor, might "perceive" that the Council of King's College, like the Executive Council of Canada, and like the Trustees of District Grammar and Common Schools, are Public Trustees, and have no more personal, or "abstract," right, or property, in what is placed under their control, than any other equal number of the inhabitants of Canada.

#### QUESTION OF THE "ABSTRACT RIGHT" OF THE PROVINCE TO A UNIVERSITY.

In the further enlightenment of the public, Doctor Beaven remarks :—

"No one can pretend to say that this Province had an abstract right to have a University founded for it, and probably no one would have thought of a University but those who knew, by experience, the value of a University education."

With equal propriety might it be said, that no one would think of building a house but those who knew, by experience, the comforts of it—that no one would think of establishing good laws and government but those who knew, by experience, the benefit of them ;—in short, that knowledge, not necessity, is always the parent of invention and discovery. Whence then, the origin of Universities, of Laws, of the Arts and Sciences ? And as to "abstract right," I suppose that "this Province," as a British possession, has an "abstract right" to all the advantages of a wise and good British Government ; I suppose that a provision for "University" education is a part and parcel of the arrangements of such a Government. I should think also that the "abstract rights" of the Church of England to such an Institution is not applicable to Canada, or to any other part of the British Dominions ; nor perhaps will it be disputed that the "abstract right" of the people of Canada to a "University" is equal to the "abstract right" of the Reverend Doctor Beaven to a Professorship in such a University.

The doctrines which Doctor Beaven has put forth in the above quoted passages may be very good Oxford Theology, and his distinctions may be very good Oxford Metaphysics, and his denunciations of laws of the land, as "spoils," may be very good Oxford loyalty ; but I think few will say that they are distinguished for sound Logic, or correct Philosophy of Civil Government.

#### THE ENDOWMENT OF KING'S COLLEGE UNIVERSITY NOT A "ROYAL GIFT."

It has been contended that the endowment of the University of King's College was a Royal Gift, and, therefore, the Legislature has no right to interfere with it. This doctrine was asserted and maintained *ad nauseam* in the discussion of the Clergy Reserve Question, and during the discussion of the original Charter of King's College. It was then maintained that it was a Royal Charter as well as a Royal Gift. Such doctrines have already been repudiated by the enactments of King, Queen, Lords and Commons, both in England and in Canada, and require no further reputation.\*

It is still, as it has long been, the position with the Editor of *The Church* newspaper and his School to represent the efforts of other Churches to maintain their own equal civil rights and privileges as hostility to the Church of England. . . .

Who is it that proclaims Religious Communions prior to his own in Western Canada as Dissenters, and seeks by every species of unfair statement and insinuation to injure and degrade them ?—representing it as a duty to discountenance them both politically and religiously,—and substantially maintaining that civil government itself is an appropriate Providential instrument to put down "dissent" ? . . .

It is gratifying, it is even delightful, to reflect, that we at present have a Representative of Sovereignty in Canada, who embraces the equal rights and interests of all classes of the community in the arms of a parental affection, and under whose auspices the Government have not only prepared a University Bill, but a whole system of Educational and Administrative Laws,—the tendency of which, as a whole, appears to me to be to raise Western Canada from its low estate, and to render it civilly, intellectually, socially, and morally, the Eden of North America.

COBOURG, 28th of October, 1843.

EGERTON RYERSON.

P. S.—I wish it to be understood that the above Communication is my own, and forms no part of the proceedings of the Board of Victoria College, but is written upon my own responsibility. E. R.

\*See Chapter XII., page 201, of the Third Volume of this Documentary History, in which the right of a Canadian Legislature to alter and amend a Royal Charter is discussed and affirmed.



## CHAPTER VIII.

PROCEEDINGS OF THE CHURCH OF ENGLAND IN REGARD TO  
THE BALDWIN UNIVERSITY BILL OF 1843.

On the 6th of November, 1843, the Right Reverend Doctor Strachan, as President of King's College University, petitioned the House of Assembly against the University Bill, introduced into that House by the Honourable Robert Baldwin, Attorney General for Upper Canada; and, on the 8th of November, the Council of King's College petitioned the House of Assembly that it be heard by Counsel at the Bar of the Assembly against the Bill.

The following are extracts from the proceedings of the House of Assembly, in regard to these and other Petitions, presented to that House against the Baldwin University Bill of 1843.

*November 6th, 1843.*—A Petition was presented by Mr. John S. Cartwright, from the Right Reverend Doctor John Strachan, Lord Bishop of Toronto, against the King's College and University of Toronto Bill, introduced, on the 12th of October, by the Honourable Attorney General Baldwin. On motion of Mr. John S. Cartwright, seconded by Mr. John Prince it was—

*Ordered,* That the last preceding Petition be now read, and that the Rule of this House of the 26th June, 1841, be dispensed with, as to that Petition. The said Petition was then read accordingly\*; also, pursuant to the Order of the Day, a Petition of Mr. W. T. Cameron and others, Inhabitants of the Town of Niagara and its vicinity, was read, praying for certain amendments to the Charter of the University of King's College; also of the Reverend H. Urquhart and others, Inhabitants of the Town of Cornwall and its vicinity to the same effect; also of Mr. Thomas Webb and others, Members of the Baptist Congregation at Walpole, in the District of Niagara, praying that the benefits of the University of King's College at Toronto be extended equally to all classes of Her Majesty's subjects.

*November 8th, 1843.*—Pursuant to the Order of the Day the following Petitions were read:—

Of the Council of King's College, Toronto; praying to be heard by Counsel at the Bar of the House, on the subject of the Bill for Incorporating certain other Colleges and Collegiate Institutions with the University of King's College; and in defence of the privileges, property and rights of the Council, in the said Institution.

Of the Reverend Alexander Gale and others, Inhabitants of the Town of Hamilton, praying for certain amendments to the Charter of the University of King's College; also of the Reverend David Black and others, praying that the benefits of the University of King's College be extended to all Religious Denominations.

On motion of the Honourable Henry Sherwood, seconded by Mr. J. S. Cartwright it was—

*Ordered,* That the Council of King's College, at York, now Toronto, in that part of this Province formerly called Upper Canada, be, in pursuance of their Petition, heard by Counsel at the Bar of this House against a Bill intituled: "An Act to provide for the separate exercise of the Collegiate University Functions of the College established at the City of Toronto, in Upper Canada, for incorporating certain other Colleges and Collegiate Institutions of that division of the Province with the University; and for the more efficient Establishment and satisfactory Government of the same."

\*By order of the House of Assembly 250, and afterwards 1,000, copies in English and 200 in French of this Petition, were printed for the use of the Members of the House.

## PETITION OF BISHOP STRACHAN AGAINST THE UNIVERSITY BILL OF 1843.

Reading this Petition in the light of the facts developed in the after history of the University of Toronto, and the legislation which set it free from denominational control, one cannot but be surprised that Bishop Strachan should have allowed his judgment to be so entirely warped by his strong personal feelings.

The case, even from his own stand-point is entirely overstated; and matters connected with the question, which had been tacitly acquiesced in by himself, or had been practically settled in the past, were again restated, and persistently insisted upon, as subjects yet open to discussion.

The Bishop, in this Petition, puts forth old claims, which, it was well understood on all sides, were finally settled by the University legislation of 1837, when the Charter of 1827 was amended.

Apart from the questionable manner in which the Bishop deals with certain historical facts in his Petition, his references to the other Religious Communions in the Province are expressed in language unworthy of himself, and entirely unjust to the Religious Pioneers of this country, as well as unfair and ungenerous to all of those not of his Communion.\*

The following is a copy of the Petition of Doctor Strachan, the President of King's College against the Baldwin University Bill of 1843 :

## THE PETITION OF THE PRESIDENT OF KING'S COLLEGE, TORONTO, RESPECTFULLY SHEWETH :

That a Bill has been presented for the consideration of your Honourable House entitled : "An Act to provide for the separate exercise of the Collegiate and University functions of the College, established at the City of Toronto, Upper Canada, et cetera, in which Bill enactments are introduced, which, in the opinion of Your Memorialist, are subversive of the sacred rights of conscience, as well as of property, and altogether repugnant to the British Constitution, and to civil and religious liberty. And, although Your Memorialist deems it impossible for Your Honourable House to countenance a Measure so deadly to the best interests of man, yet the very fact that it has been presented is so alarming as to justify a brief reference (1), to its objects, (2), its character, and, (3), its consequences.

*First Object of the Bill :* The leading object of the Bill is to place all forms of error upon an equality with truth, by patronizing equally, within the same Institution, an unlimited number of Sects, whose doctrines are absolutely irreconcilable,—a principle, in its nature atheistical, and so monstrous in its consequences, that, if successfully carried out, it would utterly destroy all that is pure and holy in morals and religion, and would lead to greater corruption than anything adopted during the madness of the French Revolution, when that unhappy Country abjured the Christian Faith and set up, in its stead, the worship of the Goddess of Reason. Such a departure from all that is good, is without a parallel in the history of the World, unless, indeed, some resemblance to it can be found in Pagan Rome, which, to please the Nations she had conquered, condescended to associate their impure desires with her own.

*Second Object of the Bill :* In accordance with this Godless principle, the second object of the Bill is to destroy the Royal Charter of the University of King's College, to deprive it of its

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\*This feeling of resentment at the tone and spirit of the Bishop's Petition was thus expressed by the Reverend Doctor Ryerson in a Letter to the Editor of the *Christian Guardian*, dated 30th of December, 1843 :—

Who is it that thus proclaims Bodies prior to his own in Western Canada as Dissenters and seeks, by every species of unfair statement and insinuation, to injure and degrade them?—representing it as a duty to discountenance them both politically and religiously—and substantially maintaining that Civil Government itself is an appropriate Providential instrument to put down dissent.

endowment, and to apply that endowment to purposes which His late Majesty, King George the Fourth, never contemplated ; much less did those who, in 1827, petitioned successfully for the Charter and the Endowment. Two things were prayed for,

*First :* The means of educating young men for the Ministry of the United Church of England and Ireland,—the Church of the Empire,—and of which the Sovereign is temporal Head.

*Secondly :* The power to open the College, or University, for secular learning to the whole Population. Both were most graciously granted by the reigning Sovereign. The University was placed under the Government of a Council, whose Members were all of the United Church of England and Ireland ; that, in this, the most important point, namely, Religion, there might be perfect unity.

The Visitor was the Bishop of Quebec, and the President, the Archdeacon of York ; so that the religious teaching in this University might be that which the Royal Founder professed, and was sworn to maintain as the religion of the Empire. Now, it is to be remembered, that His late Majesty, King George the Fourth, had an undoubted right to grant the Charter and Endowment, and being once granted, after long and careful inquiry and deliberation, as was the case in this instance, I contend firmly, but respectfully, that it is not competent for any power, or authority, to take them away, or to apply them to purposes foreign to, and inconsistent with, the Royal intention. The King, in virtue of his Coronation Oath, had not the power to patronize, or establish, any other form of Worship within the University of King's College, than that of the National Faith, and, it is well known, that His Majesty neither did, or could, profess any other ; and yet the proposed Bill drops the principal object of the Charter, namely, that so far as religious instruction is concerned, the Christianity taught shall be that of the United Church of England and Ireland, and no other, while the Bill opens the door to every species of error taught by the numerous Sects which have dissented from the pure branch of the Catholic Church of Christ. So deeply was the Venerable Society for the Propagation of the Gospel in Foreign Parts impressed with this view of the subject, that they presented a selection of the works of the best Divines of the Church of England, to the amount of Five Hundred Pounds (£500) Sterling, as a commencement of a Library for the Divinity Department of the University.

*Third Object of the Bill :* The Third prominent object of this deadly Measure is to restrain the Royal Prerogative, so that no Royal Charter shall, in future, be granted for the establishment of any Seminary whatever, with Power to Confer Degrees, except the proposed Institution which is to be constituted by this Bill, and, by which Bill, a complete monopoly of Science and of what is called Divinity is to be established, so as to preclude any class of Her Majesty's subjects, (whatever their wishes may be), from escaping its tyrannical and intolerant provisions, and prevent them from erecting Seminaries for the secular and religious instruction of their own youths, thus instituting a refinement of intolerance and slavery unknown in the worst of times.

*Fourth Object of the Bill :* The Fourth object of the Bill is insidiously and indirectly, but virtually and effectually designed to proscribe in this British Colony, the Church of England, the Bulwark of the Protestant Faith, the Church of the Sovereign and of the Empire ; to degrade her Ministry, by excluding them from all professional Education and academical honours, except with the sacrifice of conscience ; and such is the bitter hostility manifested by the Framers of this Measure to the National Faith, that they seek to insult the Church of England in the person of Your Memorialist, by inventing for him a new title, instead of "Bishop of Toronto," conferred upon him by his Sovereign, with whom the sole power rests, by the British Constitution, of establishing Bishoprics and settling the Titles of the Incumbents thereof.\*

#### CHARACTER OF THE PROPOSED UNIVERSITY OF TORONTO.

It is decidedly irreligious and revolutionary, since it not only attempts to hold up the Christian Religion to the contempt of wicked men, by establishing, in the same Seminary, various Denominations, whose principles are hostile and irreconcilable ; but it disturbs social order, by unsettling the property of the whole Country. The University of King's College holds its endowment by the same title by which the lands of the Colony are held by their proprietors, and the Legislature may, with equal justice, seize upon and confiscate the property of individuals as that of the University. It is even more than revolutionary, for the endowment of King's [Columbia] College, New York, was left untouched by the Revolution, and remains at this day in the sole possession of that Institution. The only change was the name, which, after the

\* The designation of the Church of England Bishop of Toronto, as given in 17th and 73rd Sections of Mr. Baldwin's University Bill, and to which the Bishop in this Petition objects is as follows:—"Bishop of the Protestant Episcopal See of Toronto, in connection with the United Church of England and Ireland."



Peace of 1783, was altered from "King's College" to "Columbia College,"—so far were our neighbours from breaking down, or even molesting, literary and religious Institutions, that they have, at all times, been zealously disposed to support and build them up; much less have they attempted the monstrous novelty of combining all sorts of religious Sects in one great Institution. On the contrary, they have been liberal in bestowing grants on the Colleges of different Persuasions, each separate from the other, and they have been most scrupulous, in all that they did, to guard and protect the rights of conscience; they felt that, to establish and build up, requires wisdom and ability, but to break down what is useful, venerable and holy, requires, instead of ability and talent, the mere exertion of arbitrary and reckless power.\* The most prominent result of such an experiment as that of uniting all Denominations of Christians, as well as persons of no religion, in the management of the same Institution, must, of necessity, be anarchy. It is certainly the first experiment of the kind ever contemplated in any Country, and to hope that a University, so managed, can proceed in harmony and with efficiency, is to set at naught all former experiences. It is true the Charter has already been altered by the Legislature; but such alteration had been previously assented to by the Crown, and it left the vital portions uninjured. The endowment remained untouched, and the Divinity Department was maintained on its original footing; and, while nothing can be more open, or less exclusive, in its character than the Charter of King's College now is, yet it is secured from anarchy and confusion, and its efficiency made certain, by vesting the power of carrying its provisions into effect, so far as appointments are concerned, in the Crown, where it ought to be, and which I firmly believe to be satisfactory to the great majority of the population.

#### VARIOUS CONSEQUENCES OF THE TORONTO UNIVERSITY BILL.

The Bill excludes from all participation in the advantages granted by the Royal Charter and Endowment, the Church, for whose benefit they were more especially designed, except on conditions, to which that Church can never consent. Lamentably would the United Church of England and Ireland be to descend from her high and holy position, were she to place the purity of her doctrine, and the Teachers thereof in the great School of her faith,—the nursery of her Bishops, Presbyters and Deacons,—either directly or indirectly, under the control of Bodies,—of which some have no acknowledged Religious character, and others are the avowed foes of her Articles, Creeds and Discipline. When I consider the sacred responsibilities entailed upon those whom God has called to preside over the studies of the youth, designed for the Ministry of our Holy Church, I feel that it is impossible that they can be suffered to take part in such an Institution as that contemplated. If it be said that neither the proposed Caput, nor Board of Control, are to be permitted to meddle with the Divinity Students, then why should they be attached to an Institution so unnaturally combined as that which the Bill seeks to establish? But this cannot be.

2. The proposed University of the Bill, through its Caput, Board of Control and Convocation, legislates for, executes the Laws, and controls the several Colleges, as they may think fit; and, under such a system, neither the students of the Church of England, nor their Instructors, can be preserved from dangerous associations, and from the constant presence of error and schism, against which we are bound to pray. The Measure unsettles all property, by depriving the University of King's College of an Endowment, which is the gift of the Crown and thus it introduces a precedent the most destructive to the very existence of Society. If the Patents for Land are to be touched, there is an end to the permanency of any Institution, and public and private property is alike placed at the mercy of a reckless and changing majority. The University of King's College holds its property by direct grant from the Crown, and its title to the same is equally, if not more, clear than that by which the Religious and Collegiate Institutions of Lower Canada, in general, hold theirs, though very inferior in value and extent; but, if it is to be confiscated without reason, and applied at the will of the Legislature, it is only the commencement of an evil which all good men must deplore. There may be a majority found, (though I do not believe it,) willing to confiscate the Endowment of the University of King's College; but, in a very short time, should so wicked a thing be consummated, another majority will be found, fortified by so unprincipled a precedent, to confiscate the like endowments in Lower Canada; for it is not to be supposed, that, when confiscation once commences, it will be permitted to stop, more especially since the temptation will be much greater. The Endowment

\* Dr. Strachan, in his Draft of the Report of the Select Committee of the Legislative Council, on the King's College Charter Amendment Bill of 1837, gives detailed examples of the treatment of the American Colleges, to which he refers, by the American Local Governments. See pages 66, 67 of the Third Volume of this Documentary History.

of the University of King's College amounts only to Two Hundred and Twenty-Five Thousand (225,000) acres, whereas the property belonging to the Collegiate and Religious Institutions of Lower Canada, exceeds Two Millions of acres, as appears from the following table :

<i>Name of Institution.</i>	<i>Acres.</i>
The Ursuline Convent of Quebec .....	164,616
The Ursulines of Three Rivers .....	38,909
The Recollects, Quebec.....	945
The Bishop and Seminaries of Quebec.....	693,324
The Jesuits Estates .....	891,845
The St. Sulpicians, at Montreal .....	250,191
The General Hospital at Quebec.....	28,497
The General Hospital at Montreal .....	404
The Hotel Dieu at Quebec.....	14,112
The Sœurs Grises .....	42,336

2,125,179 acres.

Your Memorialist deprecates touching one single acre of these Endowments. They are all dedicated to religious purposes, and should be held sacred. What he contends for is, that the endowment of the University of King's College is equally sacred ; and that, if it be taken away,—which God forbid !—the time will come, sooner, or later, when so destructive a precedent will be applied to their confiscation. Your Memorialist, therefore, prays that the Endowment of the University of King's College may remain as it is, undisturbed ; and he feels certain that no one who honestly wishes to preserve the endowments in Lower Canada, can, with any consistency, vote for its confiscation.

3. Should this Measure unfortunately pass, it will be highly detrimental to the character and working of the British Constitution. The Crown will be degraded in the eyes of the people, and henceforth its grants of gifts will be despised as so much waste paper, and the salutary influence of the Sovereign and the Representative of the Sovereign, became unfelt and unknown.

4. Should so wicked a Measure become law, it will reflect certain disgrace upon the entire Province. No attempt has ever been made, in any Country professing Christianity, to place all the errors of weak and wicked men on an equality with Gospel Truth. An attempt was indeed, made in Prussia, some years ago, by a stretch of tyrannical power, scarcely compatible, even with despotism, to amalgamate, as it were, the Lutheran and Calvinistic Denominations, but it has signally failed. Men are not machines, nor are their minds malleable like iron. What a melancholy spectacle of the march of intellect in the nineteenth century does this dishonest and intolerant Measure exhibit !

5. Another consequence of the Measure is that it destroys the value of Academical Degrees ; for those it confers will, at best, be acknowledged only within the Province, whereas, Degrees conferred under the Royal Charter are recognized throughout the British Empire, because they emanate from the Crown ; thus the destruction of the Charter of the University of King's College takes away all that is honourable in the Degrees and leaves them worthless.

6. Again, the provisions of the Bill preclude the slightest hope that any one will ever, by gift, or bequest, endow a Literary, or Religious, Seminary in this Province. No person could be found so foolish as to do so under restrictions so absurd, restrictions which hinder the donor from giving the power of management of the endowment to whom he chooses and in the way he desires, or to acquire from the Crown the immunities and privileges essential to a University, and which confer upon it dignity and importance.

7. A further pernicious consequence which must flow from this Measure is the precedent which it affords of meddling continually, and session after session, with Seminaries of Learning, and which ought never to be touched, except in cases of extreme necessity. The senseless and unjust clamours raised against the University of King's College, operated so far, a few years ago, upon a Government more disposed at the time to yield to expediency than adhere to sound principle, as to induce it to countenance certain amendments of the Charter, as they were called, and in which, for the sake of peace the College Council reluctantly acquiesced, and certainly in the hope that the University would never again be molested.\* But, although its enemies were, for a time satisfied, yet the desire of novelty which generally marks the absence of correct principles, has called up a new conspiracy against King's College, and the result is the Measure now before Your Honourable House, in which its enemies seem cordially to agree, (if in nothing else), in their implacable enmity to the Church of England, and are willing to surrender, or modify, their distinctive views and doctrines, provided they can accomplish the destruction of the only

\*The reasons for this assent are given on page 68 of the Third Volume of this Documentary History.

Literary and Religious Institution of any character within the Province of Upper Canada. Precedents are thus afforded of continually disturbing the University of King's College and destroying that tranquility and repose which are essential to the prosperity and well-being of seats of learning.

THE DETAILS OF THE BALDWIN UNIVERSITY BILL OBJECTIONABLE.

Having thus touched upon the objects, character and consequences of the proposed Measure for destroying the University of King's College and seizing upon its endowments, it does not appear necessary for your Memorialist to dwell upon the details of the Bill, for if it be, as your Memorialist is convinced based on principles at once inconsistent with the rights of conscience and of civil and religious liberty, it is of little importance to enter upon the minor objections, such as the deplorable unacquaintance with Literary Institutions everywhere displayed. The cumbrous and impracticable machinery, the discordant nature of the Bodies in which the various powers are lodged, etcetera.

THE EFFECT OF THE BALDWIN UNIVERSITY BILL IS TO DESTROY KING'S COLLEGE.

It may be sufficient to remark that the adoption of the Bill will be to destroy a noble Institution, which, if left unmolested, would in a short time shed a lustre over the whole Province, and this, without the slightest necessity, since it is right for the Legislature to grant separate endowments to such Christian Denominations as it may delight to honour, without trenching on the rights of the Church of England, or the integrity of the University of King's College.

In conclusion, Your Memorialist respectfully, but of right, claims the continuance of the same protection, privileges and immunities for the University of King's College which are possessed, without hinderance or molestation by the Roman Catholic Seminaries and Institutions of Lower Canada, and to which it is equally entitled by every principle of justice and honour.

Should Your Memorialist, unhappily, fail in arresting the further progress of this fatal Bill in the Provincial Legislature, he has still the consolation to know that it is one of those Measures which cannot finally be disposed of by the Colonial Authorities, as it deals with and compromises the most important principles of Revealed Religion, and must be referred to the Imperial Parliament, and he feels satisfied that it will be viewed by that august Body in the same light as a Measure obnoxious to every right principle, human and divine, offensive to conscience and social order, and such as cannot be entertained for a moment by a Christian Nation.

JOHN TORONTO,

President of King's College.

TORONTO, 4th November, 1843.

LETTER OF BISHOP STRACHAN TO SIR CHARLES METCALFE AGAINST THE  
BALDWIN UNIVERSITY BILL OF 1843.

In addition to the strongly worded Memorial, (on pages 27-31, *ante*,) which Bishop Strachan, as President of King's College, addressed to the two Houses of the Canadian Legislature, against the Baldwin University Bill of 1843, he addressed an equally strong Letter on the subject to Sir Charles Metcalfe, Governor General, and Chancellor of King's College University. Like the Memorial, this Letter is remarkable for its strong language and for the extravagance of its statements. It appeals to the Governor General to withhold his

Concurrence from the revolting changes which the Bill contemplates; and which . . . involve, in their tendency, the safety of the Colony and its dependence on the Crown. It places in peril the whole property of the Province—tramples on conscience and infringes our rights,—spiritual and temporal.



The following is a copy of the Bishop's Letter to Sir Charles Metcalfe :—

Permit me to draw Your Excellency's attention to the Memorial enclosed, [pages 27-31] which I find it to be my duty to present to the different Branches of the Provincial Parliament, respecting the Bill now before the Legislative House of Assembly, on the subject of the University of King's College.

2. I dare not conceal from Your Excellency the great alarm which I, and every right-minded person in the Colony, feel, in finding that such a Measure has been introduced by an Officer so high in the Government as Her Majesty's Attorney-General, and not, it is natural to presume, without the knowledge of Your Excellency.

3. When I first heard a rumour that the Provincial Legislature was likely to interfere with the University of King's College, I gave it no credit; for, although a few individuals had endeavoured to raise a cry against that Institution, their selfish views and want of principle were so glaring, that the Press and public opinion were evidently against them; nor did I believe it possible for any Government to lend itself to a movement, whose objects were so unjust.

4. Had their unrighteous appeal been, in any degree, responded to, I would have naturally relied upon Your Excellency, as our shield of protection, to prevent any step from being taken against the University of King's College,—in the welfare of which so great a portion of Her Majesty's subjects are concerned,—until after reference had been made to the Authorities of the Institution, and full enquiry and deliberation on the subject on the part of Your Excellency.

5. It was, therefore, with sorrow and mortification that I learned, during my visit through the lower Districts of my Diocese, that a Measure had been brought into the Lower Branch of the Legislature, without the slightest reference to me, or to the King's College Council, to cancel our Royal Charter, and to confiscate our endowment,—the gift of our late Sovereign King George the Fourth.

6. Still, I cannot bring myself to believe that Your Excellency was made fully aware of its withering provisions, of the Bill, before its introduction,—so repugnant to every principle of justice and good government, and so hostile to the national faith; nor can I think that Your Excellency has yet been made acquainted with its sweeping and revolutionary character.

7. That I have reason to cherish this belief will appear from the fact, that the Governor for the time being was made Chancellor; in order to protect the University of King's College from unnecessary molestation and attack; and, in accordance with this, I have no grounds for believing that any one of the Chancellors of the University have hitherto consulted their Executive Councils respecting it, or permitted them to interfere in any manner with its objects, or interests. Even at the time that amendments were made by the Legislature to the original Charter in 1837, the consent of the Crown was first obtained for their introduction.\* On the present occasion, no such consent has either been sought, or obtained, from the Sovereign; nor has any reference been made to the President of King's College or the College Council: nor has any opportunity been afforded them to defend their vested rights from unjust aggression.

8. Had this been done, I feel persuaded that Your Excellency, as Chancellor of King's College, and the appointed Guardian and Protector of the Institution, would have felt it your first duty to withhold your concurrence from the revolting changes which the Bill contemplates: and which, in my humble opinion, involve, in their tendency, the safety of the Colony and its dependence on the Crown.

9. It places in peril the whole property of the Province,—tramples on conscience, and infringes our rights, spiritual and temporal.

10. From our present Chancellor, as from his Predecessors, we have a right to expect aid and protection; and, as the responsible Minister of the Crown, and not under the control of any power in the Colony, we also have a right to expect that he will guard King's College like the apple of his eye, and deem any invasion of its rights an invasion of the Prerogative of the Crown.

11. It seems to me that, before the Governor of any Colony sanctions measures involving the rights of established Institutions, such as respect the education of the population, and the undoubted privileges of the United Church of England and Ireland, it is his bounden duty to be satisfied that they are just and constitutional. To admit of enactments of a different character would expose him to the charge of departing from his high station, and of compromising the Royal Prerogative. And he is sworn to maintain, and not to hazard, the safety of the Colony.

\*See Lord Glenelg's Despatch on the subject on page 100 of the Third Volume of this Documentary History. See also pages 64 and 201-210 of the same Volume.

12. And, indeed, one of the great evils, of which we have to complain, since the unhappy perpetration of the union of the Provinces, is that neither the genial influences of the Crown, nor its firm support of constitutional principles have been felt, if they have been exercised.

13. In all Colonies, the Governor must be answerable to the Imperial Government, and not to any one within the Colony ; otherwise, it loses its dependence on the Empire as a Colony, and becomes an independent state.

14. The condition of that Colony would, indeed, be deplorable, in which it should be found that the Governor, or Administrator, whether from indifference, a deficiency of moral courage, or the desire of popularity, has ceased to exercise, in the spirit of firmness and justice, the high functions with which he is entrusted as the Representative of his Sovereign.

15. Permit me, in conclusion, to implore Your Excellency, as you value your well-earned reputation, and the connection of this noble Colony with the Crown, to protect our University of King's College, as all the Chancellors at Home do theirs from threatened destruction. It is the only Royal Institution in Canada West, which promises to pursue the glorious path and earn the reputation of Oxford and Cambridge, which have, for more than a thousand years, been the eyes of the British Empire.

JOHN TORONTO.

TORONTO, 3rd of November, 1843.

KING'S COLLEGE COUNSEL HEARD AT THE BAR OF THE HOUSE OF ASSEMBLY AGAINST THE  
BALDWIN UNIVERSITY BILL OF 1843.

When the question of the Baldwin University Bill was considered by the King's College Council, on the 24th of October, 1843, it was moved by the Reverend Professor Beaven, seconded by the Reverend Vice-President McCaul, and—

*Resolved*, That it is desirable that this Council should take into consideration the Bill of the Honourable Robert Baldwin, now before the Legislature, for re-modelling the University of King's College, in this Province.

Moved by Doctor W. C. Gwynne, seconded by the Reverend Professor James Beaven, and

*Resolved*, That Doctors McCaul and Beaven, Professors Potter, Croft and Gwynne be a Committee to take into consideration what steps they would recommend this Council to adopt in reference to the proposed University Bill ; and that any two be a quorum.

At a Meeting of the King's College Council, held on the 3rd of November, 1843, the Reverend Vice President McCaul introduced the following Resolution, on the recommendation of the Committee, to whom it was referred to consider whether any, and what measures, should be adopted relative to the Honourable Robert Baldwin's University Bill then before the Legislature—

*Resolved*, That it is expedient to present Petitions to both Houses of the Legislature, praying that they would hear the University by Counsel on the principle and provisions of the Bill recently introduced into the Legislative Assembly by the Honourable the Attorney-General for Canada West.

*Resolved*, That the following shall be the forms of the Petitions referred to in the preceding resolution :—

*To the Honourable, the Legislative Assembly, (or Legislative Council,) of the Province of Canada in Provincial Parliament assembled :—*

The Petition of the Council of King's College at York, now Toronto, in that part of the Province, formerly called Upper Canada, most respectfully sheweth ;

That your Petitioners have casually learned that a Bill is now before your Honourable House, relating to the University of King's College, in which enactments are proposed, which contem-

plate the transfer to a new University of the privileges conferred on this College by Royal Charter, and of the property wherewith it has been endowed, and which provide for certain changes, whereby the just rights of the University of King's College would be grievously infringed.

Wherefore, your Petitioners humbly pray to be heard by Counsel at the Bar of your Honourable House, in defence of their privileges, property and rights, and that your Honourable House will be pleased to grant to your Petitioners sufficient time to prepare their Case for the hearing of your Honourable House, in the event of the first prayer of their Petition being granted; and your Petitioners, as in duty bound, will ever pray.

JOHN TORONTO, President.

TORONTO, 3rd of November, 1843.

*Resolved*, That the petition to the House of Assembly be confided for presentation to the Honourable Henry Sherwood, Mayor of this City of Toronto, and that to the Legislative Council to the Honourable William Henry Draper.

NOTE.—At the next Meeting of the College Council, Doctor W. C. Gwynne submitted the following objections, (on behalf of himself and Professor Croft,) to the proceedings of the Council, on the third instant, in regard to the Honourable Robert Baldwin's University Bill, now before the Legislature:—

*First*. Because they are of opinion that the amended Charter is not suited to the requirements of this Country; and that the University of King's College cannot be brought into effectual operation under the present provisions and enactments.

*Secondly*. Because they conceive that the sooner existing imperfections in the Charter are finally remedied, the better for the Country; and implicitly relying upon the justice and wisdom of the present Legislature, they rest satisfied that no Bill will be submitted for, or obtain the Royal Assent, which unnecessarily infringes upon the legitimate corporate rights and privileges of the College Council.

WILLIAM C. GWYNNE,

HENRY H. CROFT.

TORONTO, 4th November, 1843.

The foregoing Petition was presented to the House of Assembly on the 8th of November, instant, and leave was given for the Council of King's College to be heard at the Bar of the House. (See pages 33 and 35). On the 24th of November, the matter came up before the House of Assembly, and the following proceedings took place in regard to it:—

The Order of the Day for the second reading of the Bill to provide for the separate exercise of the Collegiate and University Functions of the College established at the City of Toronto, in Upper Canada; for incorporating certain other Colleges and Collegiate Institutions of that Division of the Province, with the University; and for the more efficient Establishment and satisfactory Government of the same, being read, it was

*Ordered*, That the same be now read a second time. The Counsel, the Honourable William Henry Draper, Q.C., was called in, and the Bill was read a second time. And the Petition of the Right Reverend Doctor Strachan, the Lord Bishop of Toronto, against the Bill, which was presented to the House on Monday the 6th instant, was read, and the Counsel of King's College was heard; and then he was directed to withdraw.\* It was then

*Ordered*, That the debate on the said Bill be adjourned until Monday next, the 27th instant, and that it be then the First Order of the Day.†

\*The report of this incident in the proceedings of the House of Assembly is thus given in the *Christian Guardian*. It said:—The learned Counsel commenced pleading at half past four o'clock, p.m., and finished at a quarter to seven o'clock. His speech displayed a high order of ability and eloquence, and to have condensed it would have mutilated it.

†On the 27th of November, the debate on the second reading of this Bill was again postponed until the 30th of the same month; but as the Ministry, of which the Honourable Robert Baldwin was a Member, resigned later in the day, on the 27th of November, the Bill did not therefore proceed beyond the second reading, which it received on the 21st of November, and, in its then shape, it was never afterwards revived.



ADDRESS OF THE HONOURABLE WILLIAM H. DRAPER AGAINST THE BALDWIN  
UNIVERSITY BILL OF 1843.

On the 24th of November, 1843, by permission of the House of Assembly, the Honourable William Henry Draper, Q.C.,—a Member of the Legislative Council—delivered an Address at the Bar of the House, as Counsel for the Council of King's College University, against the University Bill, which had been introduced into that House by the Honourable Robert Baldwin, Attorney-General. Exception was taken to the Member of one Branch of the Legislature thus interfering with the legislation of another Branch; but the objection was over-ruled, on the ground, that the act was that of a professional Counsel, and not as a Member of the Legislative Council.\*

In this Address, or Speech, Mr. Draper, with a great deal of skill, and in very professional language argued against the right of the King, much less, a Colonial Legislature to interfere with, or take away the franchise, conferred by the Crown upon individuals, or corporations. His statement, among others, was that:—

It is a well settled and established principle,—one for which numerous authorities may be cited,—that the King cannot by the mere prerogative diminish, or destroy, immunities and privileges once conferred and vested in a subject by royal grant.

Mr. Draper then proceeded to argue :

1st. That the Legislature cannot, without infringing on the prerogative of the Crown, erect a new corporation, with university powers and privileges.

2nd. That it cannot, (excepting as an Act of Will and Power, unsustained by reason, or principle), deprive a corporation of the right and franchises which the Crown has legally granted to it, or, in any way, interfere with them, without the consent of such Corporation.

Mr. Draper also argued, that, in former times, it was the Sovereign alone, and that, by prerogative, who created Universities, and not by Statute of the Legislature. He further held that it was not in the power of a Legislature to "confiscate," as he practically put it; property granted by the Crown for a specific purpose; or, as in this case, that the Lands granted to King's College could not be taken away from it, and given to a new corporation, in which King's College would only have an inferior place, and then also as denuded of its University powers.

It need not be supposed that, ably and skilfully as Mr. Draper had argued out his case, there was no effective reply to him. All of the leading newspapers of the day combatted the positions taken by the Counsel of King's College, and held, as against his main argument, that, with the consent of the Crown, (which Mr. Baldwin had obtained through the Governor General), the Legislature could, in 1843, as it did in 1837, deal with the rights and privileges granted by the Royal

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\* The proceedings of the Legislative Council in this matter will be found on pages 246-7 of the Fourth Volume of this Documentary History.

Charter to King's College in 1827, under, and in, the Bill introduced into the House of Assembly by Mr. Baldwin, as Attorney General of Upper Canada.

The most complete and effective reply to Mr. Draper, however, was made by the Reverend Doctor Ryerson, in his elaborate Letter on the subject, dated the 30th of December, 1843, and published in the *Christian Guardian* newspaper of the 3rd of January, 1844.\* This Reply will be given in the next Chapter, page 48.

It will be seen, by reference to Chapters II. and XII. of Volume Three of this Documentary History,—especially the latter Chapter—that the whole question, (as raised in 1837,) of the right of Colonial Legislatures to deal with, or alter, Royal Charters, is fully discussed :

After some preliminary remarks, Mr. Draper proceeded as follows with his Speech against Mr. Baldwin's University Bill of 1843. He said :—

I purpose, in the first instance, to inquire into the character of this Bill, as involving several highly important constitutional questions, affecting the prerogative of the Crown, and the legitimate functions and powers of this Provincial Parliament in relation thereto. In treating of prerogative I shall not, (even as an Advocate using every available resource to fortify the position of my clients,) resort to those extreme doctrines which prevailed in ancient times, but which have long since been modified and reduced within more precise limits. I shall, I trust, be able to sustain my argument without contravening the principle, that the prerogatives of the Crown are to be exercised for the benefit of the people, though I shall insist that, on that very account, they are to be maintained, and the rights acquired under them are to be respected. I will resort alone to principles which, tho' of the very highest antiquity, still flourish in fullest vigour ; which, tho' venerable for their age like most of those massive structures which adorn the glorious Country on which we depend, have survived the shocks and tempests of change and time, and rear their lofty summits towards the sky, proud testimonies alike of the soundness of the rules by which they were constructed—of the imperishable durability of the materials of which they are composed. Principles which belong to our Constitution, matured as it is by the experience of ages ; and the disregard of which weakens not only our respect for that Constitution, but even for its existence.

The *Jura Corona*, according to an ancient Writer, so long as they remain attached to the Crown are called prerogatives ; when granted to subjects they are termed franchises : of these, corporations form a class, and Universities are properly speaking civil corporations. From the earliest periods of our legal history the power of the Crown to erect corporations and the necessity of its consent, express or implied, to their existence has been undoubted. If their origin be traced to a Royal Charter, there is the express assent ; if to prescription, that implies a previous grant, and equally, therefore, involves the assumption of the assent of the Crown. But, tho' the Crown has then the power to erect corporations, there are limits to the privileges which the Crown itself can give, and a consideration of these limits tends to explain the true nature and character of the prerogative. By the Common Law, the King cannot grant to a corporation the power to imprison, and where it is deemed proper to confer such powers recourse must be had to Parliament—as in regard to imprisonment was the case with the College of Physicians ; and so, in other cases, such as conferring an exclusive right to trading on the East India Company, or erecting the courts of the Vice-Chancellors of Oxford and Cambridge, with powers to proceed in a mode different from that prescribed by the Common Law : and Mr. Justice Blackstone states, that, till of late years, most of those Statutes which are usually cited as having erected corporations do either confirm such as have been before created by the King, or they enable the King to erect a corporation in future, with such especial power as the Statute sets forth. So that, in either case, the immediate creative act was usually performed by the King alone, in virtue of the prerogative.

It has occurred to me, though I can scarcely entertain the supposition, that the restrictive effect of the third clause, which in reality gives to the new University a monopoly to confer Degrees in Upper Canada, may be said to come in some degree within the principle on which, in

\*Mr. John Macara, in his "Origin, History and Management of the University of King's College" 1844, devoted several pages—84—101,—to a discussion, and refutation, of the statements and arguments of Mr. Draper in his speech against the Baldwin University Bill of 1843.

the foregoing instances, the Legislature have passed Acts relative to corporations. It appears to me sufficient for the present to suggest the obvious difference between this provision and the principle I have before referred to, of enabling the Sovereign to grant to a portion of his subjects privileges or rights which, but for the restrictive force of the grant, would be equally open to them all. It will unquestionably involve another and very different consequence, to which, at the proper moment, I shall not fail to allude.

The prerogative of the Crown to erect corporations, of which I have briefly spoken, can still more clearly and forcibly be shewn to be undoubted in reference to Universities. I believe that neither in England or Ireland, nor yet in Scotland, unless perhaps with one exception, is there a University which has been erected by Act of Parliament. The Statute regarding the Universities of Oxford and Cambridge, passed in the 13th of Elizabeth, treated those corporations as already long pre-existent, for its object is thus recited: "that the ancient privileges, liberties, and franchises heretofore granted, ratified, and confirmed by the Queen's Highness, and her most noble Progenitors may be held in greater estimation and be of greater force and effect." And the first words of the preamble shew plainly that the Act must have been framed by the authority of the Crown, and probably introduced by the Ministers, for the moving cause of its being passed is said to be "*for the love*" that the Queen hath to her Universities of Oxford and Cambridge. Trinity College, Dublin, received its Charter from the same Sovereign. A papal Bull instituted St. Andrews, in 1413; in 1432 the reigning Monarch ratified its privileges by a Charter. Glasgow University was established by papal Bull, in 1450, and confirmed by Royal Charter, in 1453. The University of Aberdeen (old) commenced under a papal Bull, in 1494, and in two years obtained a Charter also. The College now called King's College, and I believe the only one in old Aberdeen, was founded in 1505, and seems to have as it were absorbed the University into it. Marischal College, in New Aberdeen, was created under the Royal authority, in 1593, by the Earl Marischal, and was confirmed and ratified by an Act of the Scottish Parliament. It appears to have derived more of its actual privileges from the Legislature than any that I have named. Edinburgh University was founded in 1582, by James I., who increased and confirmed both its property and privileges by successive Charters in 1584 and 1612, and in 1621. An Act of the Parliament of Scotland was passed confirming various grants of property made to the city of Edinburgh for its support, and ratifying all previous grants and Charters. In modern times the same practice has prevailed. The University of Durham owes its existence to a Royal Charter in 1837, and the London University to two Charters granted in 1836 and 1837. My position will thus be found literally correct, and with regard to the Scotch almost equally so; though, even if it were otherwise, it could not affect my argument, because that is based not upon the practice in other countries but only where the English Common Law prevailed. Even in our own local experience, the University of Queen's College, at Kingston, is founded by Royal Charter, the Act of the Legislature erecting it having been disallowed; and Upper Canada Academy having been incorporated by Charter in 1836, was afterwards by Act of the Colonial Parliament erected into a College with University privileges and powers, and thus forms the only case like an exception to the rule I have laid down.

In incorporating this proposed new University—and I take it to be clear that such must be considered the true effect, and operation of this Act—I think I have shown, that the Colonial Legislature is assuming to do that which the Parliament of England never did—which the Parliament of Great Britain never did—and which the Parliament of the United Kingdom of Great Britain and Ireland never did. Were the objection therefore, confined to the exercise of this power in the erection of a new corporation, without Royal Charter, and making such new corporation a University, it will be found built on the solid foundation of the undeviating practice of the Legislature of that Country from which, (as regards Upper Canada,) our Common Law, and as regards the whole Province, our Parliamentary precedents and practice are adopted and derived.

But besides that, this Bill thus assumes to grant that which should be granted, not by Parliament, but by the Crown—it is obnoxious to the further objection that it proposes to interfere with and take away privileges, liberties and franchises which the Crown has solemnly granted under the Great Seal of the Empire. This House are asked to declare their will, to exercise their power, to rescind that grant, to abrogate the Royal Charter, to destroy that to which it has given birth and existence. I have laboured on the one hand to prove that the former will be an act of unconstitutional creation. I shall now endeavour to demonstrate that the latter will be an act of equally unconstitutional deprivation. In fact, it would seem not to require much argument to establish that, if the erection of an University by the Legislature was unprecedented, because properly a prerogative act, the destruction of one, in which the Crown has granted its Charter of incorporation, must be at least equally open to doubt and objection.

Inasmuch as the King's Charter creates corporations, the Crown may mould and frame them in the first instance as it thinks fit. So also the King may, by consent of the corporation, after-



wards remodel them, or grant additional powers or rules for their governance, consistently with the principles of the Common Law; and this explains why there are so many instances of corporations having several Charters. But it is a well settled and established principle, one for which numerous authorities may be cited, that the King cannot, by the mere prerogative, diminish or destroy immunities and privileges once conferred and vested in a subject by Royal Grant. Even in the case of a new Charter to an already existing corporation, it rests in the option of that Body to accept or reject such new Charter, because the King cannot take away, abridge or alter any liberties or privileges granted by him or his predecessors, without the consent of the individuals holding them. Lord Mansfield, referring to certain new grants made by Queen Elizabeth to the University of Cambridge, says—“the validity of these new Charters must turn upon their acceptance by the University.” And though no particular form of acceptance be necessary, though exercising any portion of new powers will evidence such acceptance, though even not objecting within a reasonable time may be held to determine the election, yet this does not the less make an express or implied acceptance necessary. The case of King’s College and Marischal College at Aberdeen, affords a striking illustration of the correctness of the position. The facts may be thus briefly stated: after the abolition of episcopacy, as a part of the national Church of Scotland, Charles the First resolved to apply part of the revenues of the different Sees to the support of the Universities, and he appointed a Commission to enquire into the state of those of Old and New Aberdeen. The result of the inquiry was the executing of a Charter, uniting these two corporations into one University, under the name of King Charles’ University of Aberdeen. The two Colleges, however, did not accept this new Charter; they continued separate, and were so recognized in an Act of the Parliament of Scotland in 1641. A second attempt to form and incorporate them into one University was made about the year 1784, but proved equally ineffectual; nor have the labours of the Royal Commissioner in 1836 and 1837 produced, so far as I have had the opportunity of tracing, any other result. But I venture nevertheless to state my unhesitating conviction, that the Imperial Parliament has not united these two Universities and Colleges against their will. From these observations, I trust it will appear established that the *Crown* cannot constitutionally, by the force of prerogative, diminish or destroy franchises once granted. Upon what process of reasoning it can be urged that the *Legislature* can do so, I am at a loss to understand. I am not arguing against the abstract *powers* of Parliament to do that or any other act, nor even, that some case might not arise requiring and justifying this exercise of the omnipotence of Parliament. My position is this—the *Crown cannot of its mere prerogative disfranchise*—the Legislature of its mere will ought not, and that *ought not* is morally equivalent to *cannot*. Surely the advocates of this Bill will not rest their support of it on this foundation “*set pro ratum voluntas*.”

It may be perhaps urged as an argument why the Legislature may deal with this Charter, that it has already been the subject of Legislation; and, having been thus brought as it were within the control and under the surveillance of the Legislature, if what had been already done is capable of further improvement, there can be no objection to the completion of what has been thus commenced. I can scarce imagine such an argument will be advanced; because, upon that ground, every corporation which has once been before Parliament on any point connected with its Charter, would be from thenceforth subject to as many changes as a spirit of experiment could suggest; and with regard more especially to an Institution like this, all confidence in its stability and usefulness would be entirely destroyed. Besides the precedent is not applicable; because, in the first place, the Sovereign, the founder and patron of King’s College, invited the attention of the Legislature to the improvement of the Charter; secondly, because no right, privilege, franchise or property granted by the Charter, or vested in the College, was taken away, or in any way interfered with; and lastly, because King’s College accepted the amended Charter, and went into operation under its provisions. Any right to legislate, which may be advanced on the authority of the former enactment, must therefore, as it appears to me, fail.

I have thus endeavoured to establish: 1. That the Legislature cannot, without infringing on the prerogative of the Crown, erect a new corporation with University powers and privileges. 2. That it cannot, (excepting as an act of will and power, unsustained by reason or principle,) deprive a corporation of the right and franchises which the Crown has legally granted to it, or in any way interfere with them, without the consent of such corporation. I have not laboured to prove what must be apparent to the most cursory observation, that this Bill is open to these objections; but I do most earnestly submit that either of them should be deemed sufficient to cause its rejection upon the same principle that the Legislature should not of its own act confer University powers on a corporation of their own creating. They ought not, as it seems to me, to assume to *transfer* from King’s College to this proposed University of Toronto, the franchises given by the King’s Charter, or the property conferred on it, by the King’s grant.

But, by this Bill, almost every power granted to King’s College is mutilated, in consequence of the controlling force given to the Statutes of the University: while all powers to regulate studies necessary to qualify under-graduates to obtain Degrees: to determine what degree of proficiency

shall be deemed indispensable, or what time shall be passed in a course of preparatory study; the power of conferring Degrees; the assemblage in convocation; in a word, every power or privilege which belongs to a University is taken away. Professing to leave to King's College its Charter as a College, it makes even this collegiate management secondary and subordinate to the University authority. When the sweeping character of this change is understood—when the remorseless destruction of everything granted to King's College by George the Fourth's Charter is thoroughly appreciated—then let any reflecting man ponder over these words: “We will, that these Our Letters Patent shall and may be good, firm, valid, sufficient and effectual in the law, according to the true intent and meaning of the same, and shall be taken and adjudged in the most favourable and beneficial sense for the best advantage of the said Chancellor, President and Scholars of Our said College, as well in Our Courts of Record and elsewhere, and by all and singular Judges, Justices, Officers, Ministers, and other subjects whatsoever, of Us, Our Heirs, and Successors?” let him next be reminded that the College to whom these “good, firm, valid, sufficient and effectual” Letters Patent were granted, has within six months matriculated its first students—that those students are now prosecuting the studies of only its second term—that the Buildings for its permanent accommodation are yet incomplete—that however it may have been assailed out of doors, not one application has been made either to the Crown, or to those Judges who are Visitors on behalf of the Crown, to inquire into, check, and remove alleged abuses, if such there be,—that no charge involving the consequence of legal forfeiture has been advanced against either the corporation or its Officers—that if any such charge exists, as well the corporation as its Officers have, in common with every British subject, the right to defend themselves, before conviction and condemnation, before a jury—and that notwithstanding this, a Bill of pains and penalties, of forfeiture and disfranchisement—may I be excused for using such strong terms—of general and individual spoliation, is brought forward against this College—what will be for the future think of the goodness, firmness, validity, sufficiency and stability of a Royal Charter, of the respect which it commands in the Legislature of this Province, or of the security of rights and privileges which have that alone for their foundation?

But the attack upon the prerogative of the Crown is not yet done with. The Third Clause of this Bill, to which on another account I have already alluded, contains the assertion of a right in this Legislature, for the future, to prevent the exercise of the Royal prerogative in the institution of any corporation or collegiate body, with power to grant Degrees. After taking that power from those to whom the Crown had given it, and vesting it in the new University, the Bill, in express terms, declares and enacts that none of the Colleges already established or any hereafter to be established, shall have or exercise this power. A reference to the 30th Clause shews that the attempt to restrict the Crown is not unintentional, for there provision is expressly made for incorporating new Colleges with this University, and this is extended to Colleges which may be endowed by Her Majesty, Her Heirs, or Successors, as well as to those which may be endowed by private munificence. I have in other respects endeavoured to shew this to be an unprecedented Measure; first, in assuming the initiative in a matter which should emanate from the Crown; second, in diminishing and taking away rights which the Crown has solemnly granted, and now in passing an enactment to deprive the Crown, for all time to come, of the power of chartering another University in Upper Canada, and to limit it to the incorporating endowed Colleges with this new University, provided the Board of Control, which the Act creates, is of opinion that the endowment is sufficient; by which is meant, that it shall be of the value of one thousand bushels of wheat per annum. I again fearlessly assert that it is unprecedented, I do not believe it to be constitutional.

Thus far of prerogative and franchise. The next thing assailed is property—and the Bill confiscates the whole property of King's College, without even the form of a trial—forfeits every thing it possesses ere a judgment has been pronounced. A judgment!—aye, before the accusation is made known to the sufferer. It needs only to read the 36th and 37th Clauses of the Bill to see that the effect is not overstated, and that all the real and personal property of the College is transferred “at one fell swoop” to the University purposes of the newly erected corporation. I have not forgotten the temporary provision of £500 per annum, insufficient for any really useful purpose, for it is too trifling on the one hand to qualify the terms I have used, and it is on the other, not an exemption, because it assumes to be *given* to King's College by force of the Act, (not left untouched to it) a miserable shred of the munificent endowment of its Founder and Patron.

In this disposition of the property it seems to me that the Charter of the 15th of March, 1827, has been misunderstood, or the true character and effect of it overlooked. It is not the erection of an University, a substantive corporation, to which the College or Colleges might be or were intended to be attached. Not like Oxford or Cambridge, where the Universities themselves are distinct corporations, apart from the Colleges, which are also distinct corporations. Here it is KING'S COLLEGE which is incorporated, and to KING'S COLLEGE the powers and privileges of a University are given. An examination of the Charter will make the point clear, and will shew



that the erection of a College is the primary object; as a consequence the endowment which came from the same Royal source must have been given for that object also. It (the Charter) begins with granting that there shall be "at or near Our town of York, in Our said Province of Upper Canada, from this time, ONE COLLEGE, with the style and privileges of an University, as hereinafter directed, for the education and instruction of youth and students in arts and faculties, to continue for ever" ("To continue for ever," such was the wish, the hope, the design of the Royal Founder,) "to be called King's College." The incorporation is of the Chancellor "of our said College," the President "of Our said College" and the persons admitted as scholars "of Our said College." This corporation was enabled from time to time "to have, take, receive, purchase, acquire, hold, possess, enjoy and maintain, to and for the use of the said College any messuages, lands, etc., in Upper Canada, to the yearly value of £15,000 sterling; and moreover," to take, purchase, acquire, have, hold, enjoy, receive, possess, and retain, all or any goods, chattels, charitable or other contributions, gifts, or benefactions whatsoever." In pursuance of the object of the incorporation, the Crown did grant Lands for an endowment, which could only be taken and accepted according to the Charter, that is, to and for the use of the College. This must be the legal consequence and effect of every gift or grant to it by its corporate name, and the Venerable Society for the Propagation of the Gospel in Foreign Parts presented £500 worth of Books of the standard divinity of the Church of England to the Library of this College. This Bill, however, takes from King's College all these Lands, and gives them to a University (not even a College) of its own creation, a University such as never yet was incorporated by the Charter of the Sovereign, and leaves nothing to the College for whose use the grant was made. It takes also from King's College its Library, this Library of Church of England Divinity, with other Books, and gives to it a University which is to have no Professor of Divinity, or any lecturer, class, or examination, in Divinity whatsoever. Can we forbear to put the question, "*Hæc utrum lex est an legum omnium dissolutio?*"

Where can a case parallel to this be found in the annals of constitutional legislation? Not surely in Great Britain. Corporations have been dissolved, and their estates have escheated to the Crown; such was the case on the dissolution of Monasteries by Henry the VIII. If this is to be cited as a precedent it is not very applicable. For, upon well understood principles, where a corporation is dissolved, its endowment should revert back to the Donor or his Heirs, in their default and failure, it escheats to the Crown. Here the giant omnipotence of Parliament dissolves the corporation the Crown has created, but will not leave to the Crown the endowment, either as reverting back to it, as the original Donor, or as escheating; and with regard to this precedent, a further observation suggests itself. Whatever may be thought of the wisdom, justice, or policy of the proceeding which appropriates estates, set apart for religion, or charity, to other uses, the royal grants of these lands have been respected; we do not hear of proposals to deprive the Dukes of Bedford and Devonshire of lands thus acquired. Other forfeitures on legal principles there are many; but no instance can I find which can be quoted as a precedent, or authority, for this proceeding. True, their lands were once the domain of the Crown, so were once all the lands in Upper Canada. But when granted, why is the grant to King's College less sacred and less binding than the grant to United Empire Loyalists, to Militia, to Settlers, or than those large and—as I have often heard called and denounced as—improvident grants to Government Officers, Executive Councillors and others, in former days, or than grants—of which there have been many—for purposes of a specified and public character. The constitutional right of the Crown to make this grant cannot, at least, be questioned by those who would thus appropriate the lands which have only passed from and out of the Crown by force of the grant. No, Sir, I maintain that, in the eye of the law, all these grants rest on the same foundation, and are equally to be respected. I ask why they are to be less respected in the eyes of the law-makers? True, the grant was for a specific use and purpose, one in which the whole Province is deeply interested. A misapplication of funds belonging to the College might and would render individuals responsible to make it good, as well as have called for and justified their removal. But this would not require an Act of Parliament. The power of the Crown and of its Courts, is enough to enquire and to punish. This, if it existed, could not justify legislative deprivation, and, (may I use the term, which most forcibly conveys my meaning,) spoliation: for it would be a strange perversion of justice to disfranchise King's College and take away its property, because some of its Officers did not use that property for the best interests and advancement of this College, according to their duty and its Charter. It would be as reasonable to dissolve a banking corporation because one of its clerks embezzled a large amount of its property. Besides, no advocate of the Bill can support it on this pretext without falsifying the preamble, which, whatever may be the strength of reasons it advances, does not pretend to justify Parliamentary interference upon any such ground. Again I ask, where is there to be found a precedent for legislation of such a character? Again I say not in Great Britain. The proceedings there, relative to charitable corporations, will not be found to afford it. Time does not permit me more than a passing allusion to them. Two things, however, are to be observed. First the careful and scrupulous investigation which preceded



any action; second, the spirit of justice which pervaded—in relation to the declared objects for which these corporations were instituted—in remedying abuses, restoring to their original and proper uses what had been misapplied—or where the fulfilment of original uses had become impracticable—the selection of others, the nearest that circumstances permitted, in accordance with the spirit and intention of the founders. Nor will a reference to a neighbouring Country weaken my position; State laws which interfered with corporate rights, ay, even corporate rights claimed and enjoyed under Royal Charters, have been, by the supreme tribunals, declared unconstitutional and void. And though the lands now in question were granted that they might be employed for a purpose beneficial to the people of Upper Canada, though capable of extending the benefit far wider, they are not the only grants for the advancement of religion and science, in which other portions of the people of Canada are interested—they rest on the self-same security, that of the royal and national honour and faith! There is no distinction, in principle, between these Lands and the 2,115,178 acres granted by the French Government for such objects. Who can say where the action will stop which this Bill threatens to commence? It may require change of time and circumstances ere it can reach to this extent; but if such a wave be once permitted to roll, it will rapidly acquire strength in its progress, and who can dare hope it will stop short just when it begins to threaten that which he would preserve. Let those who feel an interest in the preservation of what now appears safe, pause ere they give their sanction to such a course, before they establish such a precedent. A day may come when they too will appeal to the protection, the inviolable character which should attend the royal honour, the national faith; let them not now lay the foundation for a future unavailing regret, and have reason then to exclaim, when too late,

“*Quam temere in nosmet legem sancimus iniquam.*”

This Bill is open to the further objection that it appropriates all the property thus taken away in a manner which leaves entirely unfulfilled a large part of the objects and intentions of the Donor. I have already endeavoured to point out what, in my humble judgment, was the primary object of the Charter—I must now solicit a brief attention to its details. As I understand them, it must have been intended to combine a system of Collegiate domestic discipline with a professional University system of instruction. Among many reasons, which a closer examination will suggest for this opinion, I may notice the incorporation as a *College* with University power, in connection with the power to make by-laws respecting salaries, stipends, provision and emoluments of, and for, the President, Professors, *Scholars*, etcetera, thereof. Now, it seems to me, that the word *Scholar*, used here, means something different from a student, or undergraduate—to, and for whom, it is certainly not usual to provide salary or stipend. I conceive it to be intended that there should be some scholarship endowed—on the foundation of King's College—as in Colleges at Oxford and Cambridge, and as in Trinity College, Dublin—open to competition; attainable by due proficiency, ascertained by examination; making the successful candidate a *Scholar* of King's College, as distinguished from an ordinary student; opening the advantages of the establishment to some who might otherwise be unable to attain it; stimulating youth to exertion, by the prospect of honourable reward; thus materially assisting to fulfil the intention of the Founder, not as the preamble of this Bill professes to explain it, but as declared in the opening portion of the Charter, namely, the education of youth in the principles of the Christian religion; and their instruction in the various branches of science and literature which are taught in the Universities in the United Kingdom. The large rental which the College was permitted to enjoy, independently of personal property, £15,000 sterling per annum, gives weight to this construction, and justifies the opinion that this College was designed to afford, not a mere place of education, but a continued residence and support to “scholars,” whose lives would be occupied in literary and scientific pursuits. It is only by such collegiate establishments that men can be induced to make learning their profession, instead of being a mere auxiliary to other pursuits and occupations. Take away the means of making such a provision,—of affording such a stimulant,—of holding out such an inducement, and you take away the hope of seeing such a class of men grow up among you; you will have to go to other lands for your Professors and Teachers; you will not rear them at home; and you will find, when too late, how applicable will be the words of Dr. Hackett, in his memorable defence of Cathedral and Collegiate Church establishments, before the Long Parliament in 1641: “Upon the ruins of the rewards of learning, no structure can be raised up but ignorance; and upon the chaos of ignorance, no structure can be built but profaneness and confusion.” To hold out such reward, ceases to be possible when the endowment is taken away for *University purposes* exclusively—and thus, I contend, is one principal object of the Donor defeated.

Again, the power of granting Degrees in Divinity, as well as in other faculties and in Arts, coupled with the provision that, although no religious test or qualification should be required of, or appointed for, any persons admitted or matriculated as scholars within the College, or admitted to any Degree in any Art or faculty therein, yet as to Divinity, “any persons admitted within

Our said College, to any degree in Divinity, shall make such and the same declarations and subscriptions, and take such and the same oaths as are required of persons admitted to any degree of Divinity in Our University of Oxford," shows clearly that among the objects for which this Institution was erected—and, consequently, among the use for which the endowment was given—was the establishment of a Professor of Church of England Divinity for the instruction of such as should desire to graduate in that Faculty; and though the amended Charter did away with those provisions which gave to the government of the College an exclusive religious cast and character, and did away with all tests for Degrees, it neither abrogated the power of granting Degrees in Divinity, or prescribed any other course of study in that Faculty than that which the original Charter obviously intended; nor did it alter the powers of the College Council to make Statutes for the performance of divine service, and the studies, lectures, and exercises necessary to obtain a Divinity Degree. Though no test but that of qualification was to be required for any Degree, yet, it is obvious, the Charter contemplated no Divinity but that of the Church of England, because such being its first intention, no change has been directed or made by the Act of amendment. This object will, of course, be defeated by the proposed Bill, as far as the new University is concerned; it will also be defeated as regards King's College, because the means of effecting it are taken away.

Again, the erection of Buildings suitable to the design of the Charter, was clearly an object of the endowment. The amended Charter is clearly consistent with this design; it does nothing—contains nothing to interfere with it. Collegiate Buildings fit for the residence of President, Professors, Tutors, Scholars and Students, where domestic discipline could be duly enforced, were, evidently, contemplated—not mere halls and lecture rooms, such as a University, strictly speaking, would require—but a College for actual residence. But this Bill entirely defeats this object, and deprives King's College of the means granted, among other things, for the express purpose of effecting it.

To say that the mode of employing this endowment, designed by the Bill, is a better mode than that employed in the original Charter is, I apprehend, not an argument to be relied upon as a justification for taking away either the powers, privileges, or property which have been given to King's College. It proves too much, and, therefore, proves nothing; for if that be a sound reason for revoking a grant from the Crown, made for one purpose, it ought to have equal force to revoke any grant of which a majority of the Legislature for the time being shall adopt a similar view. And how can it be said that if it be competent for a majority to adopt and carry out their own views this year, or this Parliament, it will not be equally competent for a majority next year or in another Parliament, again to change that which their predecessors have adopted? Independently of the mischief which such a course must produce to the education of the youth of the Country, from the want of confidence which would exist as to the character and stability of its educational establishment, such a course would be not constitutional legislation but arbitrary tyranny—the worst abuse of power which could be inflicted on this or any Country. I have already argued that any attempted distinction between property obtained by grant from the Crown or from other sources, is not sustainable: I refer to it, that in considering this part of the question it might be borne in mind. The right thus to interfere with vested privileges and interests is also a widely different thing from the right to see that they are not abused or diverted from their original ends. If the right, asserted by this Bill, to alter and take away, exists, with regard to the Charter of King's College, so does it exist with regard to those of Queen's College, Victoria College, and Regiopolis College. Either these corporations have assented to the proposed changes, or they have not. If it has been felt necessary to apply for, and obtain their assent—or, if it has been given voluntary and is relied upon as fortifying this proceeding—then is the injustice greater to King's College, which has not assented, though it has the most to lose. Such an assent, too, would prove the opinion of these corporations that without it their Charters could not be touched. If they have not assented then is this Bill only the more an invasion of vested rights.

But, while professedly this Bill treats the several Institutions affected by its provisions alike, it is in reality most unequal in its operation. Queen's College and Victoria College lose, it is true, the University powers and privileges of conferring Degrees—Regiopolis College loses not even these, for it never possessed them. But Queen's College has nothing taken from it to assist the funds of the new University. Victoria College retains its College Buildings at Cobourg for the accommodation of its Principal, Professors, and Students, with all its other property. Regiopolis College, which has an endowment from the munificence of the late venerable Bishop Macdonell, remains intact as to property, though subjected to the legislative control of this new University—for what reason it is difficult to understand. But Land and College Buildings, Books and furniture, money and securities, all and every kind of property, are taken from King's College and given to the new University for its endowment and support. There can be no other ground for this unequal legislation than an assumed distinction between property, the gift of the Crown, and property, the gift of a subject. I have laboured, let me hope, not altogether unsuc-



cessfully to controvert this distinction—one, which seems to me, so fraught with error and mischief that I would never have attributed it to the framers of this Bill, if I could discover any other principle on which they are proceeding. The inequality, however, goes farther. Erroneous and unjust, as I think this distinction, King's College does not even get the poor measure of protection which an adherence to it would afford. The 36th clause confiscates all its effects, though, of its Library, £500 sterling worth of Books were given it—but not from the Crown. Either it has not been thought worth while to enquire whether King's College owed any of its property to sources other than the Royal bounty—or, if the inquiry had been made, no consideration of this kind has prevailed in favour of King's College. It is but a trifling consideration; but even if the few things which are deposited in what is intended to be a Museum—some may be the gift of individuals to King's College who surely never dreamt of becoming Donors, even of trifles, to the University to be created by this Bill. Far be it from me to blame the respect shown to the right and property of these other Institutions; long may they retain them; all I urge is, that if this be, as it undoubtedly is, justice to them, then is the injustice to King's College only the more flagrant.

I have thus endeavoured to set forth and sustain principles and arguments, upon some or all of which I humbly conceive the Bill should be rejected. Among them I have urged, both on principle and authority, the want of assent on the part of King's College as a fatal objection. I will now briefly endeavour to point out reasons why—assuming an equal readiness on their part to accept modifications calculated to assist them in fulfilling the great objects of the Charter with that they displayed in accepting the amended Charter of 1837—King's College cannot nevertheless assent to this Bill.

And, first, the proposition contained in this Bill, respecting the conferring of Degrees in Divinity, presents an insuperable objection, for it involves principles which King's College cannot sacrifice; and on this ground, therefore, its assent could never be given.

In allusion to a supposed analogy between the offices of Lord High Chancellor in England, and of Vice Chancellor in Western Canada, the latter has sometimes been jocosely called the keeper of her Majesty's Upper Canadian conscience. The analogy may, perhaps with equal propriety, be extended to the Chancellor of the University, who may be considered the keeper of the conscience of the proposed University. Of what a precious charge will he not be to the custodian! Let us imagine him robed in all the dignity of official costume—surrounded by Doctors and Masters, Bachelors and under graduates—with all academic pomp and attendance presiding in Convocation. For other Degrees he collects the “*placets*” and “*non-placets*,” and pronounces the result; but the Candidates in Divinity presenting their Certificates of fitness, leave to the Convocation and the Chancellor a ministerial duty only. And first presents himself a Roman Catholic from Regiopolis—place for him, for he believes more than any who are to come after him. His Certificate is regular; and the Chancellor dismisses him a Doctor, a Teacher of Theology, carrying the Diploma of the University of Toronto, certifying to all whom it may concern, his fitness to fulfil that high and holy duty. Scarcely has he gone, when King's College, as remodelled by this Bill, sends up her pupil; he has just subscribed the Thirty-Nine Articles, and there are to be found amongst them some not immaterial difference from the faith of the last new-made Doctor; he has just taken the oaths of abjuration and supremacy, which involves sad heresy in the mind of his immediate predecessor. But this matters not to the pliant conscience of our University—*Tros Tyrusve mihi* is her motto; and our Church of England man receives, too, a diploma of his fitness to teach man the road to heaven. Make way for the next—and Queen's College sends up her duly qualified student, believing not in Episcopacy, or in the propriety of different orders of Ministers; laughing at the idea of an Apostolical succession, and disapproving of liturgies and set forms of prayer, though coinciding with the Church of England in many points of difference from the Church of Rome. On him, too, Alma Mater smiles; on him, too, she confers her Diploma; greeting him her son, well beloved as those who have preceded him; equally qualified to be a teacher of Divinity. We have not done yet—what is Victoria College about? Oh! here comes from her walls the Wesleyan Methodist: he differs from all who have preceded; with a different Church Government; a difference in some articles of doctrine; a difference with those who would not leave the support of their Clergy to the voluntary principle. But to our conscientious University this makes no difference; to him, as to all the rest, does she proffer the maternal embrace, and alike confers on him the Diploma to teach that all who have preceded him are more or less wrong. Unhappy keeper of this expansive conscience! are you not already debased enough? may you not now descend from your seat of state and hide the shame which you have been writhing under? No, sir, this prostitution has not yet gone far enough; our University, like another *Messalina nondum satiata*, pants, to fold on her ample bosom, more and more Divinity lovers, and courts them to her arms, careless of any other qualification but the annual revenue of 1,000 bushels of wheat. Hitherto, it may be said, that there has been an agreement on some cardinal points of orthodox faith; something like a Scriptural and Christian accordance; but we find the invitation held out to those who confide in the



intrinsic merits of their own good works, as superseding a necessity for the mediatorial sacrifice of atonement ; who denying the Divinity of the Son of God would reduce the Saviour of men to their own level ; and who reject, because they cannot comprehend, the sacred mystery of the Trinity. Such is the conscience of our University I will not pursue the mockery—the bitter mockery which this vile prostitution gives rise to. We will break up our fancied Convocation and let our unhappy Chancellor depart. But I will ask every man who has heard me, if the picture be not truly painted ; whether the horror which it excites does not arise from its stern fidelity to its original. Such is the corporate conscience ; what must be the individual conscience of those, who, on the one hand, can sign a Diploma conferring such Degrees on men whose religious opinions they believe heretical, or on the other receive a Diploma from those whose orthodoxy they are bound by their conscientious belief to controvert and deny ?

Moreover, it is to the Chancellor and Convocation of this University that power is given, among other things, to legislate concerning the studies, lectures, and examinations, and all matters regarding the same, not merely of the University, but “of the different Colleges.” Such is the enactment of the 15th Clause, and a comparison of the 29th and 31st Clauses will show that virtually, though perhaps not nominally, the University will possess a legislative power over Divinity studies, inconsistent with the professed freedom of the different Colleges in this particular.

To a system like this, which confounds truth with error, which neither requires in others nor can itself possess any standard or criterion by which the fitness for Divinity Degrees can be determined, King's College cannot assent.

The London University can only confer Degrees in Arts and the Faculties of Medicine and Law ; they have no power to confer Degrees in Divinity, and do not therefore profess to teach it. The ground of the entire exclusion of all religious tuition may be inferred from the following anecdote :—When its establishment was proposed and discussed, Mr. Wilberforce, who was referred to in some way about it, suggested the propriety of making the students read Paley's *Evidences of Christianity* ; “my dear Sir, you forget our *Jews*” was the answer. “Well, then,” said Mr. W., “what say you to Paley's *Natural Theology* ?” “you do not consider our infidels” was the reply. Bad as is the rejection of all study of Divine knowledge, the indiscriminate adoption, the promiscuous granting of Diplomas to believers of all the different systems of Theology is worse ; the one simply abstains from teaching the truth, the other ranks on one common footing and elevates to one common dignity the advocates of truth and the propounders of error.

The representation in the *Caput* provided for each College by the Ninth Clause assumes the existence of several Professors. Now, as the University Professors will be the Teachers and Lecturers in all Arts and Faculties except Divinity, it appears almost absurd to assume that there will be any other than Professors of Divinity in each College, at least in such as are located near the University, and the more particularly as it is most probable that the fees payable to the University Professors, whose income will be partially derived from the endowment, will be much lower than those charged by Professors in Colleges who will have nothing else to depend upon. In this view, it is very improbable that there will be more than one Theological Professor, in the first instance, in any College who would probably be at the same time the President, or Principal of his College ; and the consequence to King's College would be that it would have only one Professor to represent and defend its interests in a body authorized to legislate for its affairs. Professorships, Masterships, and Teachership, the studies, lectures, and examinations, and all other matters relating thereto ; and the *number*, residence, and duties of its Officers, Professors, Teachers, Scholars, and Servants. To this representation in a Body clothed with such power and consisting, as regards the University Professors, of persons not required to take any religious test whatsoever, King's College could not assent. In addition to her loss of University powers, the power of unfettered legislation in Collegiate matters is also taken away, and she would, or at least might, have only one voice in that Body which would control her whole internal economy.

The proposed Board of Control is also another most objectionable feature. It is, for similar purposes, unprecedented ; and it requires no great foresight to predict with confidence that it would inevitably destroy the working of the University. It is virtually exempt from responsibility while it is entrusted with powers, on the due existence of which must depend, if not the very existence of the University, certainly its reputation and character for literature and discipline. The functions of this Board are partly of a legislative character, and out of the thirty-three Members of whom it may consist, there is no assurance that even three will have any knowledge or experience of University matters. They are also to recommend the six Examiners, (a number, by the way, infinitely too small) and have no rule or qualification whatever prescribed by which they are to be governed in the selection, nor any apparent means either of knowing what is requisite, or whether a party possessed the needful attainments ; though it is obvious the value of the Degrees, and the proficiency of candidates for them, will be

immeasurably affected by the ability and fitness of the Examiners. They are also to recommend candidates to fill the professional Chairs; though it may, and frequently will, happen that no really desirable selection can at the particular moment be made within the Province. In the absence of any fixed rule or qualification, they will be exposed to canvassing and personal solicitation to obtain from them that recommendation which ought to be given to well-ascertained merit alone; and the people of the most forward habits, or who may have the warmest partizans, will obtain an advantage over more meritorious but more modest applicants. The only precedent for a Board of Control, I can at the moment call to my recollection, is that of the affairs of India; and I would earnestly recommend gentlemen to examine for themselves how difficult has the working of that Board been found; even with its executive power and support, and all the numerous advantages which its peculiar constitution and position give; and then remembering the nature of the functions assigned to this Board, the extent of its power, the absence of the pressure of any sort of responsibility, let them ask themselves what will be the probable result of this novel experiment. The best prospect is, that a quorum can never be got together to transact business; the only mischief it will then do, will be to create a temporary hindrance to the working of the Institution, which the Legislature would then remove. To the erection of such a Board, King's College could not, in my humble judgment, assent.

The mode of its construction is also open to most serious objection. It must be remembered that this Bill makes King's College a strictly Church of England Theological Seminary—nothing more. It is upon this account that the Lord Bishop of Toronto is made, or rather professed to be made, a Member of the Board of Control. Why the title he derives from the Queen's Patent should not be given to him, and why a title which does not belong to him, and which does not correctly designate him, or his office, I confess myself at a loss to understand. He is not the Bishop "of the Protestant Episcopal See of Toronto, *in connection with the United Church of England and Ireland.*" He is a Bishop of that United Church, appointed by the Queen the temporal Head of that Church, duly consecrated to the episcopal office in it, taking the oaths required to be taken by every Prelate of that Church on his consecration. He is not consecrated under the Statute of the 59th George the Third, which confers authority on the Archbishop of Canterbury and other prelates, to consecrate to the episcopal office persons not appointed by the Queen, or taking the oaths of allegiance or supremacy, who are to fill bishoprics in foreign Countries, out of the Queen's dominions. He cannot, dare not, desert his own real position and assume the character these words would give him, or recognize the principle they seem to assert, and therefore he never could take a place at the Board of Control, and represent the interests of King's College there. This phraseology introduced for the first time into the Legislature, must have some meaning. My objection to it is not founded on mere verbal criticism; there is a vital principle involved, no less a principle than the UNITY of the Church in all parts of the Empire, and the authority of the Queen as its temporal Head. This is more than a question affecting King's College. It affects every conscientious Member of that United Church. It affects the heart and feelings of every English emigrant who has made this Country his adopted home. He arrives a stranger—every face, every object, new—the aspect of the Country—the climate—all and every thing combine to force on his mind the conviction that he is far from his native home. But he enters the Church, and there he finds the same prayers—the same thanksgivings, which from the earliest childhood he has joined in—he kneels at the altar and partakes of the same holy Sacrament, which he has so often partaken of ere he became a wanderer in search of a resting place. Here then is no change—here is home again. Thrills not his heart with holy joy as he reflects that he can at the font dedicate his children to God within the pale of his Church—the Church of his forefathers—the one self same Church in whose baptism he was himself baptized—at whose altar he made his renewal of the baptismal vow, and within whose communion he hoped to live and die. Who shall rob him of this his birthright—who shall sever that unity which creates and preserves such holy and happy recollections. This is no question of exclusive claims, of temporal powers or privileges. It affects ourselves and ourselves alone. We are not Members of a Protestant Episcopal Church in connection with the United Church of England and Ireland, but Members of that very Church. Who shall trample on our right to remain so? Who that respects his own Church, his own faith, his own religious feelings, will lend his aid to such an attempt? Withered be the heart and hand that would seek even in name to sever this unity of the Church to which we belong.

I crave your pardon, Sir, and that of this honourable House, that for a moment I have been hurried away into the expression of individual feelings—that I have exhibited the man when you should have seen only the advocate. My apology is, that I felt what I have spoken, and that for the only time during my address, my personal feeling has led me away from the calm deliberation which belongs to my position. I trust, Sir, I shall stand excused. I have only one further remark to add on this part of my subject. The 73rd Clause is obnoxious to the same exception, as well as to the further difficulty that years will elapse before Clergymen of the Church of England and *graduates* of the College (University, I suppose is meant, for King's College could have no graduates) could be found to fill up the seven Professorships referred to.



Upper Canada College being an appendage to King's College, it will not, I trust, be deemed travelling out of the record to make some brief observations in regard to the effect this Bill will have on that Institution. The objections, already urged to the unfitness of the Board of Control to recommend Professors, apply to their approval of the Vice Principal, Tutors and Masters of the School. The Fiftieth Clause would, I apprehend, greatly embarrass the efficient management of the Institution, for experience has shewn that the power of government over boys, at least, is best exercised when entrusted to one. Divided authority in such a case will diminish, if not destroy the respect and obedience which the Head should command. The power given by the Fifty-Fifth Clause to some of the Masters to fix their own salaries would, as it appears to me, give rise to endless jealousies and discontent; the more because I feel convinced that the funds provided by the Bill would be inadequate to the maintenance and support of the Establishment.

The visitatorial power which the 24th Clause provides for will also, I think, be productive of confusion, and clog instead of facilitating its exercise. The University, erected by this Bill, will be, in the words of Lord Mansfield, a lay corporation, with temporal rights; not an eleemosynary foundation as particular colleges are. The University of Toronto will not exist by virtue of a Charter from the Crown, but by virtue of this Bill; and the visitatorial power will not, therefore, arise from the Founder and Patron's rights, but by force of the Common Law; and this, I apprehend, must be exercised through some of the Queen's Courts of superior jurisdiction, by proceedings regularly and formally instituted. If this view prove, on careful consideration, to be correct, then it appears to me that the combination of all the Judges of the Superior Courts into a body of Visitors will lead to great difficulty in the exercise of that power.

I shall content myself with a few passing observations on other provisions, which have appeared to me, though of minor consequence, nevertheless to be objectionable.

The Ninth Clause contains no provisions for convening the Caput, nor any declaration of the number which is to be a quorum.

The Nineteenth Clause will render it a matter of far greater delay to pass an University Statute than it is to pass a Provincial one.

The Twentieth is equally defective as regards the Convocation. Perhaps it was meant to leave these points to be decided by University Statutes; but as no Statutes can be passed but by the concurrence of these Bodies, it seems more convenient that the law should settle them in the first instance.

The Twenty-Ninth Clause threatens the destruction of the union of the Collegiate and University systems of education and discipline.

The Forty-Fourth will deprive Lecturers of the just reward of diligence and attention, and of a most useful incentive to exert themselves to attract and retain students. I do not find such a practice to prevail in any College I have read of, though I cannot positively assert that it does not.

The Sixty-Fifth Clause leaves it doubtful whether the assignment of Lands for the appropriate site of any College to be built, is to be confined to Lands at the seat of the University.

The eighty-third clause refers to an Act as being in force which has been disallowed by proclamation.

The Hundred and First Clause does not go far enough, tho' just and right in its principle. It should not, I humbly submit, be limited to recent arrivals. There are Masters of Upper Canada College who have given up appointments to come out to this Country. The highest preferment in that Institution was recently surrendered by Dr. McCaul, in order to take a situation in King's College. He had previously resigned preferment in Trinity College, Dublin, in order to take the office of Principal in Upper Canada College.

Lastly, I fear that the Statute of Upper Canada, 7th William IV., chapter 16, will be inoperative in an important respect, unless an additional provision is introduced into this Bill--for the Degrees, the attainment of which shortens the necessary period of study for persons desirous of becoming Attornies or Barristers from five to three years, are in that Act declared to be Degrees taken in the Universities of the United Kingdom of Great Britain and Ireland, or in the University of King's College.

And now, Sir, I have to thank this Honourable House for the patient attention with which they have honoured me during this long and I fear tedious argument. It would have been very easy to have said more, but, with every effort at compression, I could not, in saying less, have hoped to present an intelligible outline of the objections to the Measure.

In conclusion, let me entreat that, for a few moments, losing sight of the humble individual, who may have wearied you, you will imagine King's College offering this concluding summary in defence of her rights, privileges, and existence.



You are asked to pass a Measure which, by the abolition of all tests as regards Instructors, treats as a matter of indifference whether the education, the formation and cultivation of the minds of youth, be entrusted to those whose religious feelings will cause them to labour diligently to train them in a right direction ; or to those whose total indifference, or total unbelief, may endanger every good and virtuous principle ; a Measure which treats as equally right those who believe the cardinal fundamental doctrines of Christianity and those who disbelieve them ; which rather invites and encourages religious discord than seeks to remove or suppress it. In the name of that God, whose truth and whose worship are thus disregarded, I protest against this Bill.

You are asked to pass a Measure unprecedented in the annals of British legislation ; which assumes to exercise the Royal prerogative for this particular purpose, and to deprive your Sovereign of the right and power ever again to exercise that prerogative for a similar purpose in Upper Canada. In the name of our Queen, to whom you have sworn allegiance, whose prerogative it is your duty to maintain, I protest against this Bill.

You are asked to pass a Measure, professedly for the advancement of education, the cultivation of science and literature, which will destroy every means of so carrying on the Institution as to give to patient industry its cheering prospect, to high attainment its adequate reward ; which is so replete with discordant elements that nothing short of a miracle can prevent the establishment from becoming a Babel of confusion, or save it from hopeless ruin, which will therefore eventually deprive the Province of the benefit designed by my Royal and beneficent Founder.—“The education of youth in the principles of the Christian Religion, and their instruction in the various branches of science and literature which are taught in our Universities in the United Kingdom.” In the name of the Country I protest against your depriving me of the means and the power to fulfil the high behest for which I was brought into existence.

For the sake of Religion ; on every constitutional principle ; by every patriotic feeling ; in the name of God ; your Queen ; your Country ; I call upon you to reject this Bill.

## CHAPTER IX.

### DOCTOR RYERSON'S HISTORICAL CRITICISM OF MR. DRAPER'S SPEECH AGAINST MR. BALDWIN'S UNIVERSITY BILL OF 1843.

The Honourable William Henry Draper, the Counsel of King's College at the Bar of the House of Assembly, delivered his historico-legal Speech, or Address, against the Baldwin University Bill of 1843 on the 24th of November, 1843.

The Speech had evidently been prepared with the greatest care by Mr. Draper. Its historical statements and facts were very effectively grouped, and the inferences therefrom were most ingeniously shown to be fair in themselves, and, on the whole, as legitimately drawn from the facts, as stated.

Mr. Draper's alleged facts and statements were, however, questioned by Mr. Peter Brown of *The Banner* newspaper, and shown to be chiefly *ex parte*, so far as the Scottish Universities, mentioned by him, were concerned.

The *British Colonist*, edited by Mr. Hugh Scobie, also severely criticised Mr. Draper's statement ; but both newspapers were necessarily brief and somewhat cursory in their remarks. The friends of King's College were greatly pleased at the apparent success of Mr. Draper's effort against Mr. Baldwin's University Bill, and published his Speech, or Address, in pamphlet form.

In a Letter, which the Reverend Doctor Ryerson wrote to the Editor of the *Christian Guardian* newspaper on the 30th of December, 1843, he said :—

On first reading Mr. Draper's speech, in behalf of the Council of King's College, I determined to avail myself of the first leisure moment to examine, for my own satisfaction, what I supposed to be his original sources of information. That moment presented itself during the Christmas holidays. In my enquiries, I found so much to lead to a different conclusion from that which he had deduced, that I began to think of committing the results of them to paper.

At this juncture, I received certain High-Church newspapers, announcing that Mr. Draper's speech was to be printed in pamphlet-form, and breathing such a spirit of arrogance and proscription, that I thought it my duty not to remain silent. . . . If we must again unsheath the sword, on questions of rights and privileges, I think that which I intimated to the Editor of *The Church* two years ago would be the result of another controversy between the Episcopal Church and other Religious Denominations, would, in no small degree, be realized.

There is a voice in almost every fact of the last twenty years of our Canadian History which will speak with more than electric power to the hearts of five-sixths of the inhabitants of Western Canada. The Thebans, after experiencing much insult and gross treachery, determined to teach the proud and haughty Lacedemonians to lengthen their monosyllables. The Editor of *The Church* calls a calm and dignified article in *The British Colonist*, on the subject of the University a "bullying notice"! *The Church* may find, ere long, the Scotch motto of *The Colonist* to be the practical sentiment of an overwhelming majority of the inhabitants of Upper Canada,—*Nemo me impune lacessit*.

It was no doubt the feelings, which were thus expressed, which gave point and coherence to the utterances which were everywhere made at the time, in the Press, and at Public Meetings, against the attitude, policy and proceedings of the Council and other adherents of King's College.

It was at the conclusion of his able and effective criticism of Mr. Draper's Address, that Doctor Ryerson gave vent to his pent up feelings in this matter,—so far as his own co-religionists were concerned. There is a pathos, as well as dignity, in his remonstrance against the treatment which he, in common with other non-Episcopalians, was constantly in the habit of receiving at the hands of those high in authority at the time. In regard to it, he said :—

I speak the language which has been prompted by a deep sense of protracted wrong and injustice committed against my Fellow-Subjects,—my Fellow-Christians of the same Church,—my Fellow-Labourers in the same Ministry,—more than one hundred and thirty in number; Men, who have braved the Forests, and penetrated into almost every settled Township in Upper Canada, from 1787 to 1844; Men, but for whose labours at this very hour, multitudes of the most destitute and needy of Her Majesty's Canadian Subjects would be sitting as in the "valley and shadow of death";—Men, who, with their congregations, have a claim to equal consideration with any other Church in Canada, upon every ground of labours, numbers, characters, loyalty and usefulness. Yet do the monopolists of King's College deny us the attributes of Christians, as well as the equal privileges of British Subjects.\*

\*In a paper, which I read at the unveiling of the portraits, (by Mr. J. W. L. Foster,) of the Reverend Doctors Ryerson and Nelles in Victoria College in 1894. I thus referred to the debt of gratitude due to the early pioneers of Religion in Upper Canada :—

"And here I would pay a willing tribute, from my own experience, to the self-denying labours of these devoted men—the early Methodist Preachers. It is now over sixty years (1833) since I left my Father's house, in Dublin, to settle in the backwoods—first near London, and afterwards in Trafalgar. The years which I spent there are fragrant with many memories, and with pleasant associations of primitive farm life. And no less so, for the tender recollections of the simple services in School-Houses in humble homes, or around the fires of the undisturbed Camp-Meeting in the Woods. My own strong conviction is that the debt which Canada owes to the early Methodist Preachers, to the single-hearted Exhorters and Class-Leaders, as well as the devoted Presbyterians and Baptists, who come later into the field, can never be repaid. To them in this Country indebted for keeping alive, in those early days, the deep religious feeling and devotion which they themselves had created and developed." J.G.H. *The Methodist Magazine* for September, 1894, page 246.

By way of illustration of what I here stated, I quote the following passages from a Letter which I had written to the Editor of *The Globe* newspaper in September, 1892, in reply to some disparaging remarks, in regard to Presbyterianism, which had been made by the Reverend Doctor John Langtry, of St. Luke's Church, Toronto, at the Church of England Provincial Synod, held during that Month in Montreal, I said :—

"I am old enough to know that only for the Presbyterians, Methodists and other Christians, the ministrations of our holy religion would never, in the early days of this Country, have reached many portions of our land. As an example, I may mention that while residing in Galt in 1836-38, the only Churches then in that town were Presbyterian; and, during that time I had the privilege of attending the "auld kirk," the Minister of which was then Reverend John Bayne. Before I left Galt, the Methodists had an occasional service in the School House. Much later, and after my time, came the Church of England. My experience was somewhat the same in Trafalgar in 1833-36. Long after the Methodists were firmly established there, and had two Churches built at Palermo, in that Township, a Travelling Missionary of the Church of England—the Reverend Henry H. O'Neill—used to come at long intervals and hold service in one of the Methodist Churches there. I cannot forget these facts, for they illustrate how dependent the people of Upper Canada were in those days on the ministrations of the early pioneers of the Methodist, Presbyterian and other Churches. We owe them a debt of gratitude which it ill becomes Episcopalians of the present day to forget, or ignore." J.G.H. *The Globe* of September 28th, 1892.

I argue for no particular University Bill ; but I contend, upon the grounds of rights and humanity, that Presbyterians, Methodists, and all others ought to participate equally with the Episcopalians in the Educational Advantages and endowments that have been derived from a sale of Lands which, pursuant to an application from the Provincial Legislature, were set apart in 1787 by the Crown, for the support of Education in Upper Canada.

To Mr. Draper I have more than once paid a tribute of respect. I regret to differ with him on the present momentous subject. My justification is that of Aristotle, —*Amicus Plato, amicus Socrates, magis tamen amica veritas.*

EGERTON RYERSON.

VICTORIA COLLEGE, COBOURG, December the 30th, 1843.

THE REVEREND DOCTOR RYERSON'S REMARKS ON THE HONOURABLE WILLIAM H. DRAPER'S SPEECH, QUESTIONING THE RIGHT OF THE CANADIAN PARLIAMENT TO LEGISLATE ON THE SUBJECT OF THE UNIVERSITY OF KING'S COLLEGE.

The years 1840-1843 are noted in the annals of Education in Upper Canada as among the most memorable in its history. Apart from the educational utterances of Lord Sydenham, Sir Charles Bagot and, Sir Charles Metcalfe, Governors-General during these years, an unusual number of our own public men took a prominent part in the proceedings and discussions of the day, chiefly on University subjects. It should also be noted that, during these years,—1841 and 1843,—two Common School Bills were passed by the Legislature, calling forth during their consideration, a large amount of discussion and criticism.

But it was in regard to the proceedings and discussion on the subject of University Education that so many of our prominent public men took part in 1840-1843. Among them were Bishop Strachan, Chief Justice Robinson, Justice Hagerman, Doctor McCaul, the Honourable Messieurs Robert Baldwin, Francis Hincks William Morris, William Henry Draper, Isaac Buchanan, Charles Dewey Day, Adam Ferguson, John Simcoe Macaulay, Robert Baldwin Sullivan, and the Reverend Doctors Liddell and Ryerson.

The introduction of the Baldwin University Bill in 1843, marked a new epoch in educational affairs in Upper Canada. The Bill, it is true, did not pass ; but it embodied the popular principles of University freedom from denominational control of a provincially endowed Institution—of College confederation, and of what should be the national character of the public Education of our Country. All of these principles took a firm hold of the public mind and were held, as essential, by our prominent public men. In due time, these principles<sup>a</sup> were embodied in our educational legislation.

Although one may not be able to endorse all that was said—and said with great ability and power—by our leading public men at the time, on the educational questions of the day ; yet one cannot but be struck with the amount of valuable information and historical facts, illustrative of the progress of our educational Institutions, and of the early beginnings, educationally, of other Countries, to which references were made in the speeches and addresses of these men. This is particularly the case, in regard to the educational utterances of



Bishop Strachan, the Honourable William Morris, the Honourable William H. Draper and the Reverend Doctor Ryerson. It is especially noticeable in the Speech of Mr. Draper against the University Bill of Mr. Baldwin, and remarkably so in the following trenchant criticism of that Speech by the Reverend Doctor Ryerson. In regard to that Speech of Mr. Draper's, Doctor Ryerson said:—

I have read with attention the Honourable W. H. Draper's plea for the Council of the University of King's College. If sophistry were argument, and eloquence truth, Mr. Draper would be fairly entitled to the verdict of the Country. To the praise which has been bestowed upon his Speech, as a most ingenious and beautiful production, I fully subscribe; but the boast which has been made of it as a conclusive and unanswerable argument, shows how much more inclination has to do with some men's opinions than reason. It reminds me of the remark of Chancellor Oxenstiern to his Son, who, on being appointed to attend a Congress of Ambassadors, expressed his diffidence of his own abilities for such an employment. "Go," (said the sagacious Statesman), "and see with your own eyes: *quam parvâ sapientiâ regitur mundus*"—"with how little wisdom the world is governed." With little wisdom indeed would the Canadian World be governed, were its destinies controlled by the argument of Mr. Draper's Speech—a Speech which advances wrong, cupidity and error, against justice, patriotism and truth.

MR. DRAPER THE "ADVOCATE" OF KING'S COLLEGE COUNCIL, AND MR. DRAPER THE "LAW ADVISER" OF THE CROWN.

Mr. Draper well said at the outset that he appeared at the Bar of the House of Assembly as the "Advocate of others," for sure I am that the opinions he expressed could not have been his own;—I will attribute them to him not as the Statesman, but as the Advocate;—but, if he should feel himself bound to advise the Crown in accordance with what he has been employed to plead in behalf of King's College Council, I think the voice of an injured and indignant Country would soon relieve him of the responsibilities of his high Office.

Into the more lengthened part of Mr. Draper's Speech, which relates to the details of the proposed University Bill, I will not enter. With several of his remarks I agree; but, it was understood that the late Executive Council\* was pledged to nothing more than the general principles of the Bill—and those were avowedly approved of by His Excellency the Governor-General. However, I shall not refer even to that, but will confine myself to a few remarks on the constitutional part of the question. Mr. Draper's two positions are thus stated by himself:

"First, that the Legislature cannot, without infringing on the prerogative, erect a new Corporation with University privileges; and,

Secondly, that it cannot consistently with principle, as a mere act of will or power, deprive a Corporation of the rights and franchise, which the Crown has lawfully conferred on it."

CAN THE LEGISLATURE, WITHOUT INFRINGING THE PREROGATIVE, ERECT A NEW CORPORATION.

Mr. Draper's first position is "that the Legislature cannot, without infringing on the prerogative, erect a new Corporation with University privileges." His minor premiss is, that all the Universities of Great Britain have been incorporated by Royal Charters, and not by Acts of Parliament. Were this true, would his conclusion necessarily follow? I think not. Two things are wanting to make his proof complete. He should have shewn that his precedents applied to Colonies, with Legislatures of their own as well, as to the Mother Country. This he has not done; and I will presently shew that the three cases in Canada to which he has referred, as well as another which he has omitted, are directly against him. He should likewise have shown that, in Great Britain, Corporations have been incorporated by Royal Charter because it was the peculiar prerogative of the Crown at the time, and not the right of Parliament. This is indeed his conclusion, and he quoted Blackstone as authority; but had he quoted the whole paragraph from Blackstone, (of which he has given a part only,) his own conclusion would have been contradicted. Blackstone distinguished between the "right" and the "usage,"—which Mr. Draper confounds; or rather, Mr. Draper applies to the former what Blackstone says in regard to the latter. Mr. Draper commences his quotation in the middle of a sentence. I will give the former part of the sentence which he has omitted, and the sentence preceding:—

"The methods by which the King's consent is expressly given, are either by Act of Parliament, or Charter. By Act of Parliament, of which the Royal Assent is a necessary ingredient, Corporations may undoubtedly be created; (then follow the words quoted by Mr. Draper:) but it is observable, that, (till of

\* The Members of this Council sent in their resignations to His Excellency the Governor General, Sir Charles Metcalfe, on the 27th of November, 1843.

late years,) most of those Statutes, which are usually quoted as having created Corporations, do either confirm such as have been before created by the King,—as in the case of the College of Physicians, erected by Charter, (10th, Henry VIII,) which Charter was afterwards confirmed in Parliament, or they permit the King to erect the Corporation with such and such powers,—as is the case of the Bank of England and the Society of the British Fishery. So that the immediate creative act was usually performed by the King alone, in virtue of his royal prerogative.” (Chapter 18, page 473)

In the former part of this passage, not quoted by Mr. Draper, Blackstone asserts that “Corporations,” (without restriction), “may be created by Act of Parliament; Mr. Draper says, nay, “not literary” Corporations. Who is the higher authority? But furthermore, in the very words cited by Mr. Draper himself, his own position is overthrown by implication. Judge Blackstone says “till of late years,” etcetera; and again “the immediate creative act was usually performed by the King alone.” These phrases clearly imply that usage, in the time of Blackstone, was different from what it had been in preceding ages; and it has continued to change in the same direction down to the present time. Thus, the only English law authority cited by Mr. Draper is, when fully given and thoroughly interpreted, directly against him.

#### AUTHORITY BY WHICH THE ENGLISH AND SCOTCH UNIVERSITIES WERE ESTABLISHED.

The remarks of Blackstone furnish also a sufficient reply to the references which Mr. Draper has given to the English and Scotch Universities, which were established before the Reformation. In those ages, Corporations of every description were created by the Royal Prerogative alone; during the last half century very few Corporations have been created by the King alone, in comparison with the number of those which have been created by Acts of Parliament.

The English Universities trace their origin to the Heptarchy; they seem to have existed for ages under Papal authority,—as the earliest Charter of the Oxford University was granted by King John, and the first formal Charter of the University at Cambridge was granted by Edward I. Both Universities sought the recognition and renewal of their privileges at the commencement of every new Reign, until the time of Elizabeth, when each of them was incorporated by Act of Parliament, under a certain name, and had its ancient privileges confirmed and extended. “Their privileges now depend upon the Act of Incorporation which was passed with regard to both of them in the 13th of Elizabeth, A.D. 1570.”\* It is thus evident that the Charters of the English Universities themselves have been subjected to parliamentary legislation, and that those venerable Establishments now enjoy their privileges under an Act of Parliament. It may also be added, that of the twenty-four Colleges in the University of Oxford, and the seventeen Colleges in the Cambridge University, all except one, have been established by individual liberality. The Author of the “Origin of Universities” observes:—

“Though the Universities beyond all doubt are public and national establishments, and their public character is emphatically recognized by their sending Members to Parliament, the Colleges in both the Universities, (with perhaps one exception,) are strictly private foundations. Trinity College, Cambridge, inasmuch as it was endowed by Henry VIII with the confiscated property of Religious Houses, may perhaps be considered as a Public Institution; but the other foundations, even those of royal origin must be acknowledged to be private.” (Page 88.)

Mr. Draper refers to the establishment of the Scotch Universities. The examples of the Scotch Universities as a whole, tell against Mr. Draper's position, rather than for it. His statement in respect to them does not, in several instances, convey a correct impression relative to the manner of their establishment. He says “A Papal Bull instituted St. Andrew's College in 1413, and, in 1432, James I (of Scotland) ratified its privileges.” James I ratified certain grants that were made to this University, and exempted its Members from certain burthens; but he requested the Pope to sanction its establishment; and it was founded by the Bishop of the Diocese, “The University of St. Andrew's (says Malden) was founded by Henry Wardlaw, Bishop of the Diocese in 1411. The King, James I of Scotland, the Bishop and the Heads of the Augustinian Priory at St. Andrew's, requested the Papal sanction; and a Bull was issued in 1413 by Benedict XIII, by which it was made a University, and authorized a general study for all the faculties. It received other benefactions from the Church, which were ratified by the King in 1432; and he, at the same time, granted to all its Members an exemption from taxes—a privilege confirmed by his Successors” (Page 147.) Two colleges, invested with University privileges were established St. Andrew's, to neither of which does Mr. Draper allude, and both of which, in respect as well to the source of their University powers as to subsequent legislation respecting them, furnish examples against his position. I allude to the Colleges of St. Salvator and St. Mary. “James Kennedy, Bishop of the See, founded the College of St. Salvator, which was confirmed by the King and by the Popes, (Nicholas V and Pius II,) in 1455 and 1458.

\**(Origin of Universities, and Academical Degrees, by Henry Malden, M.A., late Fellow of Trinity College, Cambridge. See also Tomlin's Law Dictionary, Article Universitas, and the Edinburgh Review for June, 1831).*



About 1468 Pope Paul II granted by Bull to the College of St. Salvator the power of conferring degrees in Theology and Arts; and by this anomalous grant, erected, in fact, a University within the University." "St. Mary's College was founded in 1537 by Archbishop James Beatoun, and was confirmed by Pope Paul III. It was founded for all the Faculties, and empowered to confer Degrees in them; thus presenting the same anomaly as St. Salvador." "In 1579, their constitutions were entirely changed by the King and Parliament, at the instance of the General Assembly of the Church of Scotland. St. Mary's, with five Masters, was made a Theological School only, and St. Salvator's was restricted to Humanity and Philosophy, with a Principal and four Professors. But, in 1621, the regulations of the original foundations were restored, except that St. Mary's was still to remain a Theological School." Here we have three literary establishments in Scotland—each invested with University powers—each deriving those powers from the Pope—and the constitutions of two of them modified at the pleasure of the King and the Parliament.\*

Again Mr. Draper says "Glasgow University was established by a Papal Bull in 1450, and a Royal Charter in 1453 confirmed its establishment." The object of the Royal Charter and the facts of the whole case are thus stated by Malden:

"The University at Glasgow was established in 1450 by a Bull of Pope Nicholas V, issued at the request of James II. Authority was given for the general study of all Faculties, and the University was empowered to grant Degrees which should be valid throughout Christendom. In 1453, a Royal Charter was granted by James II, with an exemption from taxes and all civil burthens."

Mr. Draper states truly that King's College of Old Aberdeen "was founded by Bishop Elphinstone in 1505;" and he might have added that it was re-modelled in 1531. The *London Encyclopedia* says:—

"The College was founded in 1494, by William Elphinstone, Bishop of this place, Lord-Chancellor of Scotland in the Reign of James III and Lord Privy Seal in that of James IV. But James IV claimed the patronage of it, and it has since been called the King's College."†

Mr. Draper evidently feels embarrassed in the case of Marischal College. He says, "Marischal College, in New Aberdeen, was founded under Royal authority, in 1593; ratified by an Act of the Scottish Parliament, and appears to have derived more from legislative authority than any I have named." Mr. Draper here uses the phrase "*under* Royal authority," instead of, as in the former instance, "*by* royal authority." This variation in his phraseology is, doubtless, intentional, and should be noted; for I can find nothing more than the tacit sanction of the Crown, in the first instance, to the establishment of this College. It was established by no Royal Charter, or Papal Bull, for Protestantism was now established in Scotland. The whole case of Marischal College is completely opposed to Mr. Draper's doctrine, as is manifest from the following account of its establishment:—

"Marischal College, in New Aberdeen, which claims to be a separate University was founded in 1593 the founder, William, Earl of Marischal, directed the Principal to confer the Degree of Master of Arts upon students who deserved it; and, as the deed of foundation has been confirmed by more than one Act of Parliament, the College is an authorized University."—Malden's *Origin of Universities*, page 167.

\* Mr. Peter Brown, in *The Banner*, says of these Colleges:—"The College of St. Andrew's was indeed, founded by the Bishop in 1410 and confirmed by Papal Bull in 1411. But why did not the learned Counsel carry his researches a little further down into the concerns of that ancient Alma Mater? He would have found that the College of St. Salvator was founded in the same place in 1456, by Bishop Kennedy; that of St. Leonard in 1512, and of St. Mary in 1537. But, then, he would have arrived at the unpleasant fact, that, in 1747, the Colleges of St. Salvator and Leonard were united by Act of Parliament.

"Glasgow University is dismissed by the learned Advocate of monopoly in a few lines, "as established by Papal Bull in 1450, and by Royal Charter in 1453." It ought to have been mentioned, that more than one Act of Parliament has been passed also in relation to that University." *The Banner*, Toronto, 1843.

† Mr. Peter Brown, in *The Banner* newspaper, Toronto, adds the following piece of information on this subject:—

If many of these Institutions have owed their existence to Royal Charters, we have only to examine the dates of their origin to find the reason. The powers of Parliament, in the 15th and 16th centuries, were extremely limited, and very imperfectly defined, and they were little used except when subsidies were required by the Crown. On the other hand, the Royal prerogative was considered to meet every public case; and it will be found that the creation of Universities by Royal Charter was part of the same policy which filled Britain with Royal Burghs, in order to check the dangerous policy of the Barons. It will not be surprising that the first Parliamentary sanction to Oxford and Cambridge was only in the thirteenth of Elizabeth, when it was but a few years before that her enlightened Father told his Parliament, that the members were but "brute beasts," and unfit to manage State affairs. That the modern Institutions, such as London University College, and King's College, were not established by Act of Parliament, but by Charter, or Letters Patent, arises from the funds for their support being derived from private sources. Having no endowment of the public money to maintain them, it would have evidently been unnecessary to incur the expense of Acts of Parliament, and unwise to have their system of management controlled by the details of such Acts.—*The Banner*, edited by Mr. Peter Brown, Father of the Honourable George Brown.



## SPECIAL AND EXCEPTIONAL CASE OF THE UNIVERSITY OF EDINBURGH.

According to the happiest tact of a skilful "Advocate of others," Mr. Draper gives the following account of the establishment of the celebrated University of Edinburgh :—

"Edinburgh was founded in 1582, by James the First of England, (Sixth of Scotland;) he also increased and confirmed its property and privileges by successive Charters, in 1584 and 1612; and, in 1621, an Act of the Scottish Parliament was passed, confirming various grants of property made to the Town of Edinburgh, for its support; and, among other things, ratifies the previous grants and Charters."

The reader will scarcely suspect, that, in neither of the Charters granted by King Charles I was a University created; and that it is by the additional powers conferred upon it by the Act of Parliament,—adroitly covered by the phrase "among other things,"—that the University of Edinburgh confers Degrees. The following account of the establishment of the University of Edinburgh is derived from the *London Encyclopædia*, (Article: *Edinburgh*), and Malden *"On the Origin of Universities and Academical Degrees"* :—

In 1581, the citizens of Edinburgh obtained a license from James VI of Scotland for founding a College within the City; and, in 1582, aided by various donations, they procured a suitable site for it. The Provost and Town Council were empowered to repair and build Houses for the reception and habitation of Professors. The Town Council proceeded to act upon this license and opened an Academy, at first, under a single Regent, augmenting the number of Teachers from time to time, according to the increase in the number of students. In 1584, the King granted property, not to the College, but to the Magistrates and Town Council, for the benefit of the College; and, in 1612, he gave a Charter, confirming all that they had done. In 1621, an Act of Parliament was passed ratifying the Royal endowments, and the erection of the College, as a College for the profession of Theology, Philosophy and Humanity, and granting, in "favour of the burg of Edinburgh, patron of the said College, and of the Regents and students of the same, all the liberties and privileges pertaining to any Colleges in the realm." On this authority it is that the University confers Degrees.\*

This much for Mr. Draper's authorities from Scotland. It is a singular fact, that not one of her Literary Institutions was created a University in the first instance by Royal Charter,—they all primarily derived their University powers either from Papal Bulls, or Acts of Parliament: and the original power of conferring Degrees in the English Universities is of Papal, not of Royal, creation; and is now exercised under the authority of a Parliamentary enactment.

The foregoing statements and observations may serve to illustrate the correctness and force of Mr. Draper's triumphant conclusion that,—“Nothing has been granted by Legislation which it was the Prerogative of the Crown to grant, and no alterations have taken place in any Charter without the consent of the College itself.”

## INCORPORATION OF THE LONDON AND DURHAM UNIVERSITIES BY ROYAL CHARTER—MAYNOOTH COLLEGE AN EXCEPTION.

As to the London University, and the University of Durham,—both of which were incorporated by Royal Charter of 1-37,—it may be observed, that the former was to be placed under the governments of no one Religious Denomination, and the latter was to be opened to all. To Charters containing such provisions the Universities of Oxford and Cambridge were diametrically opposed; their influence was paramount in the House of Lords; such Charters must, therefore, have been obtained directly from the Crown, advised by a liberal Minister, if obtained at all;

\* "The College is in every respect subject to the Magistrate and Town Council of Edinburgh. No constitution was given to it like those of other Universities. The Town Council are the absolute Patrons of the Professorships of their own Institution, and of the office of Principal. The College consists at present of twenty-six Professors, of whom twelve are appointed by the Town Council, and eight are appointed by the Crown. The Professor of Botany holds commissions under both. The remaining five are of a mixed nature; but the Town Council has a voice in all. The *Senatus Academicus* consists of the Principal and all the Professors. This Body is not constituted by any of the original deeds, but takes upon itself to act only by usage. By the entire subjection of the University of Edinburgh to the Town Council, the Professors are relieved from all care in the financial concerns, and of the Lands and Buildings. It might be supposed antecedently to experience, that such matters would not be well managed by bodies of literary men; and the experience of the other Universities developed in the Report of the Royal Commission of Inquiry into the State of the Universities of Scotland amply confirms the supposition. The Council not only fills the vacant Chairs, and thus preserves the University from the abuses of a self elected corporation, but it can at any time institute any new Professorship which it thinks to be for the advantage of science and general education; nor can the existing Professors maintain any monopoly of teaching, nor close their Society against the new Member. The Council has the discretion to leave all matters of discipline and ordinary detail to the Principal and Professors, while, by superintending power, it can effectually check any such practices as self governed corporations are apt to fall into, tending to the present benefit of the individual Members rather than to the permanent benefit of the whole body."—(*Origin of Universities*, pages 166, 167, 169, 170.) The *London Encyclopædia* says—"The Professor of Agriculture was nominated by Sir William Pultney, the Founder of the institution."

they were, therefore, thus obtained. But to affirm, therefore, that Parliament has no right to pass laws for the erection of such Corporations, is as reasonable as to assert that the Parliament has no right to incorporate Fur, or Fishing, Companies, because the Crown has created such Corporations by Royal Charters.\*

#### THE PRESENT UNIVERSITY QUESTION IS A PURELY CANADIAN ONE—NOT A TRANS-ATLANTIC ONE.

I have thus referred to the examples of the Scotch and English Universities, not because I think they have anything whatever to do with the Canadian University question, but because the "Advocate" of King's College Council has appealed to them; and because I desire to show that they do not authorize the conclusion which he has been instructed to establish. The question is a Canadian, not a trans-Atlantic, one; and it should be argued and settled upon the acknowledged principles of the system of government in Canada. Upon this point, it will not be difficult to show, that Mr. Draper is at fault, both with himself and with the plainest facts of Canadian History. He says, "The University of Queen's College, at Kingston, owes its foundation to a Royal Charter, the Act of the Legislature incorporating it having been disallowed." A fallacy, (*non causa pro causa*), lurks in the latter part of this sentence. The Act of the Legislature assented to on the 10th of February, 1840, was disallowed, not upon the ground alleged in Mr. Draper's argument, but upon other grounds, in accordance with the application of the Founders of that University, as stated at large, (in the *British Colonist*,) at the time of its occurrence. One of the grounds was, the friends of that University desired to have it incorporated under the title of "University of Queen's College, at Kingston," instead of as the "University of Kingston." They also desired a Royal Charter that it might, in no respect, be second in rank to the University of King's College at Toronto. It was unconstitutional to amend an Act of Parliament by Royal Charter, and it was not in order to add a Royal Charter to an Act of Parliament. And, therefore, the Act of Legislature was disallowed, in compliance with the request of the friends of Queen's College.† This was done, not because it was unconstitutional, as is demonstrable from the fact, that the Act by which Victoria College is incorporated—containing, verbatim, the clause conferring University privileges, which was contained in the Act incorporating the University at Kingston—was passed a few months afterwards, and received the Royal Assent on the 27th of August, 1841, and thus became a Law of the Land.

Let it also be remembered, that, when both of these Acts passed the Legislature, and both received the Royal Assent within the Province, Mr. Draper himself was both a Member of the Legislature and the responsible Law Officer of the Crown, sworn to advise his Sovereign according to law. Yet did Mr. Draper consent to both of these Acts in the Legislature; and he, being Law Adviser of the Crown, did advise the Crown to assent to them. Here we have not only the Council of King's College against the late Administration; but we have Mr. Draper the Legislator, and Mr. Draper the first Law Officer of the Crown, against Mr. Draper the "Advocate of others," as to the constitutional power of the Legislature to erect both Universities and Colleges with University powers. In which capacity Mr. Draper's opinion is entitled to the greatest weight, and, in which capacity is it entitled to less than no weight, the Reader can easily determine.

#### CONSTITUTIONAL OBJECTIONS TO GRANTING A ROYAL CHARTER TO THE UPPER CANADA ACADEMY.

In reference to Victoria College, Mr. Draper says, "Upper Canada Academy, now Victoria College, which is the strongest exception to the rule I have been able to find owes its foundation to a Royal Charter of the 12th October, 1836;" and he adds, in another place, "The precedent of Victoria College may show that the Crown will assent to an Act extending the privileges of a Collegiate body, already incorporated by the Crown."

The application of the Crown for a Royal Charter of Incorporation, in behalf of the Upper Canada Academy, arose not from any doubt as to the authority of the Legislature to pass such an Act,—for several such Acts of Incorporation had been passed, and became laws of the land,—but on account of the prevalence of violent party feeling, which divided the whole Province into two hostile parties, each dominant in one branch of the Legislature, and each opposing what the other advocated. Under such circumstances, Sir John Colborne, in June, 1835, suggested the idea to the Writer of these remarks, of applying to England for a Charter, and for pecuniary assistance. But the doctrine of the Colonial Secretary and his Legal Adviser at that time was

\* Mr. Peter Brown, in *The Banner*, says: "The Roman Catholic College of Maynooth was founded entirely by Act of Parliament in 1795." (It should also be remembered that the Queen's Colleges in Cork, Galway, and Belfast, have, of late years, been founded by Act of Parliament alone. J. G. H.)

† The particulars of this case of Queen's College, Kingston, are given in detail on pages 74-88 of the Fourth Volume of this Documentary History.



very different from that of the "advocate" of King's College Council, as I well know to my cost. Lord Glenelg hesitated to grant my request for several weeks, on the ground that the Crown ought not to create any Corporation in the Colony which it was competent to the Legislature to create; and it was not till his Lordship was fully satisfied that such a Corporation was in harmony with the views of the Canadian House of Assembly, that he consented to recommend to his late Majesty to grant a Royal Charter, even for an Academy; and His Lordship's scruples were strengthened in no small degree by the dissatisfaction which the Royal Charter of King's College had created in Upper Canada.\*

But, into the last-quoted sentence another fallacy, (*fallacia accidentis*), has crept. Mr. Draper's language assumes that the Corporation of the late Upper Canada Academy was a "Collegiate body," and that the Act of the Legislature only "extended their privileges." Upon precisely the same grounds might a Board of Trustees of a District Grammar School be called a "Collegiate Body;" and, with equal propriety, might their erection into a Corporation, with a new name, and University powers, be designated a mere "extension of their privileges."

The precedents of Queen's College and Victoria College, (two out of three in Canada), as well as Mr. Draper's opinions as Legislator and Law-Adviser of the Crown, are, therefore, "dead against" him, as the "Advocate of others."

#### DOES THE BALDWIN UNIVERSITY BILL ERECT A NEW CORPORATION, OR EXPAND THE POWERS OF THE OLD ONE?

But the whole of Mr. Draper's argument is founded upon a hypothesis; and that hypothesis is a fallacious assumption,—a mere quibble. He assumes throughout that the establishment of a University, *de nova*, is proposed. In this he is, in the first place, inconsistent with himself. He interprets the erection of the Upper Canada Academy into a College, under the new name of "Victoria College," with the powers of a University, as an "Act extending the privileges of a Collegiate Body;" and yet he calls an Act, giving a new name to the University of King's College and modifying its already established powers, the "erection of a new Corporation, with University powers and privileges." In the next place, the assumption is absurd: Does a new name make a new thing? Were Mr. Draper, either by authority of Act of Parliament, or Royal permission, to assume a new name, would that make him a new man?—(a thing, by the bye, which is not defined in English law, and therefore is as undefined as Responsible Government itself.). Does Canada become a new Country by being designated by a new name in the new Constitutional Act? Had the proposed University Bill retained the words "King's College" in the title of the University, and designated the proposed Episcopal College "Bishop's College," the very foundation of Mr. Draper's argument would have vanished,—the keystone of his beautiful arch would be wanting, and the whole structure, to the last stone, or even particle of dust, (of which it is so largely composed), would be dissolved, as the "baseless fabric of a vision." Yet, on this mere play upon words, do King's College Council, through their Advocate, call in question the Legislative Rights of United Canada! It may be laid down as a rule, with but few exceptions, that those who trifle with either the Prerogative of the Crown, or the Constitutional Rights of a people, are not the best friends of either.

The proposed University Bill does not even repeal either the Royal, or amended, Charter of the University of King's College; it only alters and amends it in several particulars, and leaves several parts of it untouched. Now, what is more common than altering and amending Acts of Parliament? But the power of Parliament is denied in this case; which brings me to the second position in Mr. Draper's speech, namely, that "the Legislature cannot consistently with principle, as a mere act of will and power, deprive a Corporation of rights and franchises which the Crown has lawfully conferred on it."

Here I cannot but notice two fallacies in the very wording of this proposition. The question at issue is not one of mere "will and power," but one of Constitutional Right in such cases as the Legislature may judge expedient. Again, the Advocate of King's College Council does not say what kind of a "Corporation" he means, when he denies the right of legislative interference. The definition and distinction here would have been destruction to Mr. Draper's argument—it would have rended his sophism: (*ignoratio elenchi*), palpable to the least practiced reader. His argument is sound, when applied to one kind of Corporation, but wholly fallacious when applied to the one in question. The topics and phraseology of his argument throughout have reference to private institutions; but, by an "illicit process," he deduces a conclusion in respect to a public one.

\* In March, 1835, the Select Committee, to which had been referred the Petition of the Trustees of the Upper Canada Academy, brought in a Bill to incorporate the Academy. It was read a first time, but it never came up for a second reading and was "dropped." The editor of the *Christian Guardian* (Reverend Ephraim Evans), in his editorial on the incident, said: "I entertain not the slightest hope of our being able to procure such a Charter as we would be justified in accepting, or any support for our Institution from our own Legislature." (See pages 174 and 239 of the Second Volume of this Documentary History.)



“LAY CORPORATIONS,”—CIVIL AND ELEEMOSYARY, AS DISTINGUISHED FROM PUBLIC CIVIL ONES.

It is sufficient for our present purpose to remark, that there are two kinds of what are technically termed Lay Corporations,—Civil and Eleemosynary. In the former, beside others, are included those which are erected for Civil purposes—such as the good government of Towns, etcetera, and the promotion of Education, by means of Universities, Colleges and Schools, endowed out of public funds, and managed by persons either chosen by the public voice, or appointed by the Crown, for that purpose. Eleemosynary Corporations, among others, include all Colleges that are founded by private benefactions for the promotion of learning under certain regulations. Of this kind are nearly all the Colleges in the English Universities; of this kind are Queen's College and Victoria College in Upper Canada. The rights of Corporations of this kind approach those of individuals, and cannot be justly interfered with, except by their own consent, or when they abuse their franchises. Hence a writer on this subject of Colleges remarks: “So long as private institutions obey the directions of their founders, and do no positive evil, it may be fairly argued that the Legislature has no right to interfere with them.” But the English Universities are held to be Public Civil Corporations; of the same sort are the University of King's College and the District Grammar Schools throughout the Province. They are Public Institutions: the Council of the one, and the Trustees of the other, are Trustees for the Public; they are both appointed by the Crown; neither have any individual proprietorship in the Institutions over which they are placed;—and, with as much reason and law, might the Trustees of a District Grammar School employ a Counsel to deny the right of the Legislature to amend the District Grammar School Law, or a Town Council deny the power of Parliament to amend its Charter, as for the Council of King's College to challenge the authority of Parliament to amend the Law, of which they are the temporary Executors. I doubt whether such an insult was ever offered to any Legislature as this defiance of King's College Council, except to be the Manifesto, or Petition, to the Legislature of the Bishop of Toronto. Is it come to this that the Trustees of a Public Institution can set themselves up above the very Legislatures of the Country, under one of whose laws they are acting? Is the Parliament of United Canada to be reduced below the level of a District Council? Are a few persons in Toronto, temporary managers of a Public Institution, to set the Legislature of the Land at defiance, and to employ public funds to sustain and establish their own usurpation against the People of Canada? It may be said of the Council of King's College, in the words of their own Advocate, that, whatever may be their real, or assumed, “omnipotence,” “there is another power co-equal with it; there is a moral force which may be brought to bear upon it; because there cannot be an act of injustice done, which will not, one day, or other, recoil upon the perpetrator of it.”

CASES IN CANADA IN WHICH CORPORATIONS WERE DEALT WITH WITHOUT THEIR CONSENT.

But I will proceed from reasoning to facts; and I will adduce two examples in Canada in one of which the Corporation was altered, or amended, and, in the other, abolished without its own consent. The first is the University of King's College itself; the second is that of the Episcopal Corporation for the sale of the Clergy Reserves. The Legislature, in 1837, amended the Royal Charter of King's College. A power competent to amend one clause of a Charter, is competent to amend all, not one, or even every clause. Mr. Draper admits that the Royal Charter of King's College has been amended by the Legislature, but says: “There are three important considerations which entirely distinguish that case from the present. *First*, the prerogative was not invaded, for the King invited the attention of the Legislature to the matter; *Second*, no right, or privilege, granted by the Charter was taken away; and *Third* King's College offered no opposition but accepted the amended Charter, and went into operation under its provisions.”

The first and second of these reasons are fallacious; the third, (at least the former part of it,) is not founded in fact; none of them has any bearing on the present question. As to the first, the Crown did invite the attention of the Legislature to the matter; but, when and why? It was not until after the House of Assembly had proceeded again and again in the matter, and had as often been thwarted by the President of King's College and others in the Legislative Council. The House of Assembly addressed the Crown on the subject; in consequence of which, the Crown, under the advice of a liberal Minister, added its weight to the voice of the People, through their Representatives, and thus forced a majority of the Legislative Council to concur in amending the Charter of King's College. But, was it ever pretended, or thought at the time, that the Royal invitation gave the Legislature a right, which it did not previously possess? How often does the Crown give its influence to the Commons, by formally inviting Parliamentary attention to certain Acts which require amendment, or to measures of great public interest. But, was it ever pretended, that, in the absence of such invitations, the Par-

liament would have had no authority to legislate upon subjects thus referred to? Or, was it ever before pretended that legislating without such invitation would have been an "invasion of the Royal prerogative?" The prerogative is secured by its power to veto, or assent, to Bills passed by the Legislature. The Legislature does not depend upon the invitation of the Crown to originate or deliberate upon measures. But the very Measure against which Mr. Draper is employed to contend, was introduced into the Legislature by the first Law Officer of the Crown, the Honourable Robert Baldwin, Attorney General, in behalf of the Government.

Then, as to the assent of King's College to the amended Charter—when and how was that assent given? Although Mr. Draper may not, as the "Advocate of others," know that such an assent was never given (before the Charter was amended,) he ought to know it as a man. I will ask not Mr. Draper, the Advocate, but Mr. Draper, the Man of honour and probity, if the President of King's College did not throughout protest against any amendment of this Royal Charter? Mr. Draper, and hundreds of others were present at the Parliament House in Toronto, in May last, when the President delivered an Inaugural Address at the opening of the University; and what was the testimony they heard from him, (the Bishop of Toronto,) on this subject? Did he not still protest against the wisdom and the justice of the amended Charter?—did he not declare that he had resisted it with all his power?—did he not condemn the amended Charter in a laboured argument, and aver that it was submitted to as a matter of irresistible necessity? Did not the Chief Justice Robinson, (another governing Member of the Council,) console and congratulate himself on the same occasion, that he had never consented to the provisions of the amended Charter, when they were under consideration? How could the Council consent to the amendment of the Royal Charter but through its President?—and yet we find him, at all times, and under all circumstances, protesting against it; and yet, notwithstanding, the Advocate of King's College is instructed to say, at the Bar of the Legislative Assembly, that "King's College had offered no opposition to, but had accepted the amended Charter?" It is true they accepted it, after it became a law, just as the Bishop of Toronto and the Episcopal Clergy have accepted the Clergy Reserves and Union Acts,—having resisted them with all their might,—still protesting against them—yet extracting all the good that can be got from them.

In the third place, Mr. Draper says, "no right, or privileges, granted by the Charter was taken away." And does not the proposed Bill rather extend, than take away "rights and privileges" of the University? But, if the amended Charter took away no "right, or privilege," which had been granted by the Royal Charter, why the outcry raised against it by the Bishop of Toronto and his Clergy, that it deprived the Episcopal Church of sacred "rights and privileges," which had been solemnly granted by Royal Charter? These very protests and denunciations, which have been ringing in our ears since 1837, are so many witnesses against this statement. Thus, Mr. Draper's "three important considerations," become very important indeed, when duly considered, in refuting the conclusion which he had attempted to establish. King's College, therefore, as well as Queen's College and Victoria University, furnishes a precedent against the doctrine of Mr. Draper's Speech.

But I will add to the catalogue another example still:—The Episcopal Corporation, which was created in each Province by Royal Charter in 1819,—which conferred upon the Bishop and Clergy of the Episcopal Church peculiar powers and privileges, and which had been established without their consent, and, in connexion with other acts, amid their loud complaints. The Episcopal Clergy in each Province were incorporated, "for the purpose of managing and superintending the Reserves." (*Speech of the Archbishop of York before the Legislative Council of Upper Canada, on March the 7th, 1828, page 5.*) The nature and objects of each Corporation may be inferred from the following advertisement that appeared in the old *Quebec Gazette* in 1820:—

**CLERGY RESERVES.**—His Majesty, having been graciously pleased to erect and constitute a Corporation, consisting of the Bishop of the Diocese and the Clergy of the Church of England holding benefices within this Province, for the superintending, managing, and conducting the Reserves made, or to be made, for the support of a Protestant Clergy within the Provinces, public notice is hereby given, that all leases on such Reserves will in future be granted by the said Corporation; and that applications for the same are to be made either to the Secretary of the Corporation of Quebec, or to the Clergyman of the Church of England residing nearest to the lot to be applied for.

Notice is also given to those persons—whether holding Clergy Reserves under lease, or occupying them without title—who are in arrear of the payment of rent for the lot respectively held by them that the Ministers of the Church of England residing nearest to such lot, are severally authorized, on the part of the Corporation, to receive arrears of rent, or in cases where such arrears shall be large, to compound for them: Such composition to be subject to the approbation of the Principal and Directors of the Corporation: And all persons, so in arrears, are called upon to make payment forthwith accordingly, and to prevent thereby the necessity of further proceedings against them. By order of the Corporation.

ANDREW WILLIAM COCHRANE,  
Secretary of the Corporation.



Where is the Episcopal Clergy Corporation of Upper Canada now? And where are its franchises? And where is the Episcopal Clergy's consent to their abolition? How perfectly baseless then are the pretensions of the Council of King's College! And how glaring is their invasion of public rights, in regard to that Provincial Institution! Mr. Draper says justly:—"The Crown holds its prerogative for the protection of the subject, not for his oppression;" and every subject of Her Majesty in Canada ought to be protected by the Crown, as well as by the Legislature, against this unheard-of attempt, on the part of a little oligarchy in Toronto to wrest from the Province the control of its Collegiate Revenues, and to pervert them to private denominational and party purposes.

THE ROYAL GRANT OF LANDS WAS MADE TO THE PROVINCE IN 1797, AND NOT TO THE  
CHURCH OF ENGLAND IN CANADA.

I might here dismiss the subject, confident of the decision of the Country on it; but I will briefly advert to two other considerations which tend to evince the moral, as well as constitutional, right of the Legislature to interfere in this question.

The lands by which King's College has been so munificently endowed, were set apart nearly fifty years ago, (in compliance with an application in 1797 of the Provincial Legislature,) for the promotion of Education in Upper Canada. This was the object of the original appropriation of those Lands—a noble grant, not to the Church of England, but to the people of Upper Canada. In 1827 Doctor Strachan, by statements and representations, against which the House of Assembly of Upper Canada protested again and again, got 225,944 acres of these Lands applied to the endowment of the Church of England College.<sup>†</sup> Against such a partial application and perversion of the original provincial objects of that Royal Grant, the people of Upper Canada protested; the Charter of King's College was amended to carry out the original object of the Grant; the general objects of the amended Charter have been defeated by the manner in which it has been administered, and the University Bill is introduced to secure their accomplishment; and the Council of King's College employ an Advocate to perpetuate their monopoly. The Reader can therefore easily judge who is the faithful advocate and who is the selfish perverter of the most splendid educational endowment that was ever made for any new Country.

OBJECT AND INTENTION OF THE AMENDED CHARTER OF KING'S COLLEGE IN 1837.

In the next place, the object of the amended Charter was to render the University of King's College Trinitarian, in contra-distinction to Episcopal—to place Trinitarians upon the same footing, in respect to that Institution. The Council have rendered it Episcopal, in contra-distinction to Trinitarian. They have, therefore, betrayed their trust; and have created the obligation and necessity for what they now deprecate. That portion of the press, in the interest of the Council, denounces the Administration lately resigned for attempting to "wrest the University from the Church of England." This very language proves that the University has been made what the original Charter was amended to prevent.

View the University question, therefore, in whatever light you please—as one of constitutional rights, of historical fact, of moral justice, or of public patriotism,—the position of the King's College Council is unconstitutional, untrue, unjust, unpatriotic; and the demands of the public, on the subject, are lawful, reasonable, and benevolent.

It becomes the different Religious Denominations at the present time—especially the Presbyterians and Methodists—to look to their equal rights and privileges and interests. The Clergy Reserve monopoly continues, as if no equalizing law had been passed upon the subject. From funds arising out of the sales of Clergy, Crown, and University lands, in Upper Canada, the high-Church party of the Episcopal Church apply upwards of One Hundred and Twenty Thousand dollars (\$120,000) a year to advance their interest in Western Canada. They claim the absolute control of a College, with an endowment of nearly Fifteen Thousand pounds a year, (£15,000), while a driblet of Five Hundred pounds, (£500,) each is doled out, as a sort of sop, to Queen's College and Victoria College; and, even for this, the Legislature is reproached by the President of King's College in his Petition to the House of Assembly, (page —,) in an undignified perversion of a passage of Scripture, when he speaks of the Legislature assisting those "whom it delighteth to honour."

<sup>\*</sup>For a copy of this application, see pages 16 and 17 of the First Volume of this Documentary History.

<sup>†</sup>*Ibid*: pages 211 and 240.



## PROTEST AGAINST THE TREATMENT BY THE ADVOCATE OF KING'S COLLEGE OF NON-EPISCOPALIANS.

To add further insult to injury, the Presbyterians and Methodists are uniformly referred to by the Episcopal organs in language of approbrium and insult, and are reproached,—especially the latter,—for their want of science and literature ; while they have been compelled to fight year after year, and inch by inch, for the right to hold a piece of Ground in which to bury their own Dead,—and again for a Plot on which to erect their own Places of Worship,—and again for the liberty of being married by their own Clergy,—while they have supported their own Pastors and Missions,—and have made personal exertions for the Education of their own Youth, such as the Bishop of Toronto and his advocates never thought of making. Such language, from such a quarter, under such circumstances is, as if a man were bound in chains, and was then reproached by his oppressors for being a Slave ; or, as if a man were denied the necessary food, and then was prescribed for his Pythagorean visage, as unfitting him for the society of the plump Epicureans, who had fattened upon the vitals of an abused and pillaged country.

I speak the language which has been prompted by a deep sense of protracted wrong and injustice committed against my Fellow Subjects,—my Fellow Christians of the same Church,—my Fellow Labourers of the same Ministry . . . Men who have braved the Forests, and penetrated into almost every settled Township in Upper Canada, from 1787 to 1844,—Men, but for whose labours at this very hour, multitudes of the most destitute and needy of Her Majesty's Subjects would be sitting in the “Valley of the Shadow of Death” . . . Yet do the Monopolists of King's College deny us the attributes of Christians, as well as the equal privileges of British subjects.

I argue for no particular University Bill ; but I contend, upon the grounds of right and humanity, that Presbyterians, Methodists, and all others, ought to participate equally with the Episcopalians in the Educational Advantages and Endowments that have been derived from the sale of Lands, which, pursuant to an application from the Provincial Legislature, were set apart in 1797 by the Crown for the support of Education in Upper Canada. . . .

EGERTON RYERSON.

VICTORIA COLLEGE, COBOURG, December 30th, 1843.

## CHAPTER X.

CORRESPONDENCE, ON HIS SPEECH, BETWEEN THE HONOURABLE  
W. H. DRAPER AND DOCTOR RYERSON.

On the publication in the *Christian Guardian* newspaper of the Reverend Doctor Ryerson's criticism of the Honourable W. H. Draper's Speech, as Counsel for King's College, Toronto, Doctor Ryerson sent a copy of that paper to his address at Kingston. On its receipt, Mr. Draper addressed the following kind Letter of acknowledgement to Doctor Ryerson :—

I conclude that I have to thank you for the number of the *Christian Guardian*, containing a review of my argument at the Bar of the House of Assembly, as Counsel for King's College.

I am obliged to you for sending to me the paper containing the review of my Speech, and, still more so, for the fairness and courtesy towards my “individual self,” which it exhibits. As to my “Counsel self,” nothing is more fair than that the supporters, or advocates, of different views should have a hearing, and an opportunity to demolish my positions whenever they think, or find, them assailable.

As far as I am concerned, in relation to that particular measure, (Mr. Baldwin's University Bill,) my part was finished when I retired from the House of Assembly ; for, although I cannot say that “the trial was over,” my part of it certainly was, on which account, if for no other, I shall not venture to reply to any remarks made on my argument.

Again thanking you for the personal courtesy and compliments paid to me, Believe me . . .

WM. H. DRAPER.

KINGSTON, 8th of January, 1844.

To this Letter, Doctor Ryerson sent the following reply :—

I was in Kingston the other day, and was much disappointed in not having the pleasure of seeing you for a few moments.

I thank you for your valued and gratifying note, and now write to ask you whether you would have any objections to my publishing it.

I make this suggestion in order that you may stand before the public in the same position as an Executive Councillor, as if you had not been employed as Counsel for King's College Council, and that I may not seem to stand in any other than a friendly relation to you in your present difficult and important position,—especially as I have been assured by His Excellency, Sir Charles Metcalfe, that he is resolved, with your assistance, to have an equitable and comprehensive Measure brought before the Legislature on the subject of the Colleges.\*

As I am anxious now, as heretofore, not to embarrass, but to facilitate your exertions in the service of the Government of the Country, I should be happy, with your permission, to publish your note with some remarks (on the College question,) calculated to give the public mind a right direction on that subject. Indeed, had I been aware at the time of His Excellency's and your intentions on the subject, I should not have written some passages which appear in my criticism of your address.

I had a lengthened conversation with His Excellency on the affairs of the Province . . .

I have not much respect for party.—I have, as you well know, many reasons for despising it. I think that an impartial and liberal Government is far better than a party one,—although I should feel it my duty to support any Government sanctioned by the public voice, as far as I could do it, without sacrificing any principle, or allegiance to the Constitution of the Country.

I think there is an opening for the establishment of a Government upon the broad foundation of intelligence and moral worth just and liberal to all, not liable to the mulations of ordinary party, and under which the country may grow up in pursuit of knowledge and wealth, and in the cultivation of the moral, social and public virtues. Hoping that this may be the case and apologizing for the freedom of these unpremeditated remarks, believe me . . .

EGERTON RYERSON.

COBOURG, January 20th, 1844.

The Honourable William H. Draper's reply to this Letter was as follows :—

Your favour of the 20th instant has been forwarded to me from Kingston, and I have to beg of you to accept my thanks for it.

Upon consideration, I think it would not be desirable that my Letter to you should be published. Whenever necessity may arise for my removing false impressions on any subject, I humbly confess to you, I do not like the public press as a mode of addressing the public. It seems to me almost an invitation to those who live by writing at others to prosecute attack ; and when one is once committed by a newspaper reply, there is no alternative but to proceed, at whatever inconvenience, to say nothing of the disadvantage of—(if I may use the vulgarism) giving your antagonist his own dunghill to fight upon.

\*The reference to this matter, contained in *The Story of My Life*, is as follows :—With a view to avail himself of Doctor Ryerson's knowledge and judgment on the subject, he, (Governor-General, Sir Charles Metcalfe,) directed his Private Secretary to address the following Note to him on the 18th of December, 1843 :—

One of the many important subjects that at present engages the attention of the Governor-General, your Church is particularly interested in, and His Excellency is, therefore, desirous of having the benefit of your opinion upon it. I mean the consideration of the arrangements that are now necessary in consequence of the failure of the University Bill introduced last session. I beg to add that His Excellency will be happy to have some conversation with you on the question to which I allude, the first time you may visit this part of the province.

Not having been able to go at once to Kingston, Doctor Ryerson wrote to the Governor-General in regard to the University Bill. His Secretary replied early in January, saying :—

When it suits your convenience to come this way, His Excellency will have an opportunity of fully discussing the subject touched upon in your letter.

Doctor Ryerson soon afterwards went to Kingston and saw Sir Charles Metcalfe on the subject. In a Letter written to Honourable William H. Merritt on the 20th of July, 1844, Doctor Ryerson said :—

His Excellency's object in desiring me to wait upon him had reference to the University question, on which he intends, with the aid of Mr. Draper, etcetera, to have a Measure on the subject brought into the Legislature, which I think will be satisfactory to all parties concerned. I took a day to consider the questions he had proposed. In the meantime I saw Mr. S. B. Harrison and stated to him the opinions I had formed. Of their correctness and importance, and practicability he seemed to be fully satisfied, and urged me to state them to His Excellency. (*Story of My Life*, pages 343, 344.)

As a public man, I prefer to defend myself in the more fitting arena of the Legislative Halls. There, I meet my opponent on equal terms. Besides, I should most likely be exposed to much misconception were my Letter to you published,—both in the motives and future intention; and that which was intended as an act of due return to you for individual courtesy and fair dealing would be directly represented as of public or party declaration.

Duly appreciating, therefore, the kindness which dictated your proposal, I must beg to decline it.

I do hope that notwithstanding all present difficulties the time is not far distant when public consideration will prevail over party feeling and sound constitutional principles, such as the foundation of free and representative government, will be carried out in full practical operation, without stopping the machine of Government every now and then to test the proper form of any of its different parts, as a matter of speculative demonstration.

WM. H. DRAPER.

TORONTO, 26th January, 1844.

NOTE.—At a Meeting of the Trustees of Queen's College held on the 6th February, 1844, the Convenor of the Committee of Board on the Union of Universities reported, That, in consequence of the sudden prorogation of Parliament the University Bill had not been proceeded with, and that nothing further of moment had occurred,

## CHAPTER XI.

### TEXT OF THE BALDWIN UNIVERSITY BILL OF 1843

As the Honourable Sir Francis Hincks very truly says (on page 174 of the "Reminiscences of his Political Life," published in 1884):—

The most important Measure introduced into the House of Assembly during the Second Parliament, in 1843, was that for settling the long disputed University question.

From the preceeding Chapters of this Volume, it will be seen what were the steps which had been taken to determine the character, and promote the passage, of a Measure for the settlement of the University Question, which, after much communication with various parties, had been most carefully prepared by the Honourable Robert Baldwin,—then Leader of the House of Assembly, and Attorney General for Upper Canada.\*

### ANALYSIS OF THE BALDWIN UNIVERSITY BILL OF 1843.

The Bill is a very voluminous one, and extends to one hundred and two Sections. The following is an Analysis of it:—

*A.—General Title of the Bill.*

*B.—The Preamble:* Division of King's College into the University of Toronto—King's College to form part of that University.

*C.—Separation of the University proper from the Collegiate part of the University of Toronto; and the establishment of a Royal Collegiate Grammar School, in dependence upon the University.*

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\* After a good deal of enquiry among public men and much searching, I was fortunate enough to obtain an original printed copy of the Baldwin University Bill of 1843 from the Reverend Chancellor Burwash, —who found it among the papers of the Reverend Doctor Lachlan Taylor, his Uncle.



2. University functions, etcetera, of the King's College transferred to the University of Toronto.

3. University functions, etcetera, of all the other Colleges in Upper Canada transferred in like manner to the University of Toronto.

4. Abolition of the office of Chancellor, Vice-Chancellor and all other University officers in all of such Colleges.

5. Upper Canada College incorporated as a Royal Collegiate High School, in connection with and dependent upon the University of Toronto.

*D.—Organization of the University of Toronto and of the Royal Collegiate Grammar School.*

*I. The University of Toronto and its corporate powers.*

6. The University to consist of King's College, Regiopolis College, Queen's College, Victoria College, and of the Royal Collegiate High Schools as a dependency, and of such other Colleges as may hereafter be established.

7. The University of Toronto incorporated under the name of the Chancellor, Masters and Scholars of the University of Toronto, with power of holding land in mortmain and of possessing all other usual corporate powers.

*II. The Executive Management of the University.*

8. The University of Toronto to have a Chancellor and Vice Chancellor.

9. Of whom the Caput of the University is to consist.

10. The Governor of the Province to be Chancellor of the University, *ex-officio*.

11. The Vice-Chancellor to be elected annually by the Convocation from the Heads of Colleges and of the Professors on the foundation of the University.

12. In the absence of the Chancellor and Vice-Chancellor, or when there is no Vice-Chancellor, the Senior Member of the Caput is to perform the duties of Vice-Chancellor, under name of the Pro-Vice-Chancellor.

13. The members of the Caput, except the Chancellor and Vice-Chancellor, are to be appointed annually by the different Colleges and Faculties.

14. The Executive Management of the University to be vested in the Chancellor, Vice-Chancellor and Caput.

*III. The Legislative Powers of the University—how exercised.*

15. Legislative powers to be vested in the Chancellor and Convocation.

16. Convocation to consist of Heads of Colleges, Professors, Masters of Arts, and persons having any Degree in Divinity, Law, or Medicine, and continuing themselves on the Books of the University.

*IV. The Control of the University to be by means of an Extra-mural Body, consisting principally of Lay Members.*

17. The establishment of a Board of Control to consist of certain *ex-officio* and twenty other Members, to be appointed in the first instance by the Governor-in-Council, upon the recommendation of the Board itself.

18. The Board of Control, how summoned,—who shall preside, the quorum, and the power of adjournment.

*V. The manner of passing University Statutes.*

19. By-laws to be proposed by the Caput to the Board of Control, and, if approved by the Board, to be submitted by the Caput to Convocation, and, if passed by Convocation, then to be presented to the Chancellor for his assent, and, upon his assent being given, to become a Statute of the University.

20. Any amendments proposed by the Convocation to be returned to the Caput.

21. No draft of any By-law to be approved by the Board of Control, until considered at two meetings to be held on different days.

22. No draft of any By-law to be finally passed by Convocation until considered and approved of at two several Convocations to be held on two different days.

23. The Queen may, within two years, disallow any Statute; which disallowance shall operate as a repeal of the Statute.

#### VI. *Who shall be Visitors of the University.*

24. The Judges of Her Majesty's Courts of Law and Equity, having general jurisdiction throughout Upper Canada, to be Visitors to the University.

#### VII. *Educational Machinery of the University.*

25. To be of such Professorships, Lectureships, and Teacherships as may be established by Statute of the University, one of them to be a Professorship of Agriculture.

26. Professors, Lecturers and Teachers to be appointed by the Chancellor, on the recommendation of a majority of Members of the Board of Control.

27. The Professors on the foundation of particular Colleges are not to be deemed, by virtue of such Professorships, as Professors within the meaning of 9th, 11th and 16th Sections of this Act.

28. Additional duties may be attached to any Professorship by a Statute of the University, without any claim for additional allowance in respect of such duties.

29. The University to make special provision, by Statute, for discipline and the superintendence of all persons matriculated in the University, but not on the Books of any particular College.

#### VIII. *The Establishment of Independent Colleges, and their Incorporation with the University.*

30. Upon any person conveying an amount of property to Trustees, in Trust for any College intended to be erected, sufficient to secure an annual income equivalent to the value of one thousand bushels of wheat, and producing a certificate from the Board of Control of their having done so, the Crown may, by Letters Patent, incorporate such College with the University.

31. Persons thus founding Colleges with Professorships of Divinity, may impose Religious, and other, Tests, at their discretion.

#### IX. *The conferring of University Degrees.*

32. Degrees are to be conferred by Convocation by Diploma.

33. Six Examiners for Degrees are to be appointed annually by the Chancellor, on the recommendation of the Board of Control.

34. No Degree, except Honorary Degrees and Degrees in Divinity, to be conferred but upon a Certificate of qualification from Examiners.

35. Upon production, by any person having a Degree in the University, of a Certificate of qualification from any College of the University having a Professor of Divinity on its foundation the Convocation is bound to confer on the party the Degree designated by such Certificate.

#### X. *Property of the University of Toronto.*

36. The Property of the University to be vested in the Corporation of the Chancellor, Masters and Scholars thereof.

37. The Chancellor, Masters and Scholars of the University to have power to sue for all debts, etcetera, due to the University, by whatever name.

38. The Chancellor, Masters and Scholars of the University, to be liable to all debts, etcetera, contracted by the University, by whatever name.

### XI. *The Fiscal Affairs of the University.*

39. The Fiscal to be the same as the Calendar year.

40. All Salaries to be payable quarterly.

41. None of the Real Property of University and none of the invested property, to be sold, or otherwise applied, except by Statute of the University.

42. Duty of the Chancellor, etcetera, to insure Buildings belonging to University, at such amount as may be approved by the Board of Control.

43. The Proceeds of the Sales of Waste Lands investments to be paid off, and the surplus of the annual income, over expenditure, to form the "University Investment Fund,"—the monies of which to be invested in Government, or Landed, Securities.

44. The Annual Income of the University from Fees, Rents, Interest, Dividends and General Donations and Subscriptions, to form the "University Income Fund,"—the monies of which are to be applied, as provided in next section.

45. The "University Income Fund" to be charged with,—(1st,) The payment of the expenses of collection; (2nd,) the payment of Taxes, Insurance and expenses of repairs; (3rd,) payment of the Salaries of superior Officers, as the Bursar, Lecturers and other Teachers, not Professors, and the subordinate Officers; (4th,) Incidental expenses; (5th,) Salaries of Vice-Chancellor and Professors; and (6th,) Special appropriations.

With proviso.—(1st,) That the surplus, after the satisfaction of three first charges of one year, to be alone applicable to satisfaction of three last charges of next year; (2nd,) In the event of such Balance falling short, the amount of the deficiency to be deducted from all the Salaries, constituting the fifth charge for such next year, by proportionate quarterly deductions; (3rd,) Incumbents, to have no claim to have such deficiency made good.

46. The Annual surplus, if any, of the "University Income Fund" to be carried to the credit of the "Investment Fund," and invested with the other monies of that Fund.

### XII. *The Royal Collegiate High School: (Upper Canada College).*

47. The Collegiate High School to be incorporated, under the name of "the Principal, Tutors and Scholars of the Royal Collegiate High School of the University of Toronto," with power to hold in Mortmain and to have all other usual corporate powers.

48. Principal of High School to be appointed by the Chancellor of the University, on the recommendation of the Caput of the University.

49. The Vice-Principal, Tutors, etcetera, of the Royal Collegiate High School to be appointed by the Caput of the University,—with the approval of the Board of Control.

50. The Council of the Collegiate High School to consist of Principal, Vice-Principal, and Tutors, who, with approval of the Caput of the University, may make rules, etcetera, for the Collegiate School, subject to be over-ruled by a Statute of the University.

51. The Property of the Royal Collegiate High School to be vested in the Corporation of the Principal, Tutors and Scholars thereof.

52. The Principal, Tutors and Scholars of the High School to have power to sue for all Fees, debts, etcetera, due to Upper Canada College, by whatever name.

53. The Principal, Tutors and Scholars of the High School to be liable to all debts, etcetera, contracted by, or on behalf of, Upper Canada College.

54. The Fiscal year and the periods of payment of Salaries to be the same with those of the University.

55. The Salaries of the Principal, Vice-Principal, Tutors, and others to be fixed by direction of the Collegiate High School Council and confirmed by a Statute of the University.

56. The Fiscal affairs of the Collegiate High School to be conducted and managed by the Bursar of the University, under the like management and direction, as are those of University—the Bursar at all times giving information to the Collegiate High School Council of the state of funds, etcetera.

57. None of the real property of the Collegiate High School, and none of the invested property is to be sold except by direction of the High School Council, confirmed by a Statute of the University.

58. The Duty of University to keep the Buildings of the Collegiate High School insured, out of the funds of the High School, to an amount as approved by the Council of High School.



59. The Proceeds of the Sales of Waste Lands, Investments to be paid off; and the surplus of the amount of income to form the "Collegiate High School Investment Fund,"—the monies of which are to be invested in Government, or Landed, Securities, as approved by the Council of the High School.

60. The Annual income of the Collegiate High School, from fees, rents, interest, dividends and general donations and subscriptions, is to form the Collegiate High School Income Fund,—the monies of which are to be applied as provided by the next section of this Act.

61. The Collegiate High School Income Fund to be charged with,—(1.) the Payment of the expenses of collection. (2.) The Taxes Insurance, and Repairs of the School. (3.) The Salaries of Officers, Teachers, (and Servants), not being Members of the Council. (4.) Incidental expenses directed by Collegiate High School Council and confirmed by a Statute of the University. (5.) The Salaries of the Principal and Tutors, who are Members of the Council; and (6), Special appropriations, by direction of the Council of the School, confirmed by a Statute of the University.

With proviso.—1st,—That the surplus, after satisfaction of first three charges for one year, to be alone applicable to the satisfaction of the three last charges of next year. 2nd, In the event of such balance falling short of such payment, the deficiency is to be deducted from all the salaries constituting the fifth charge for such next year, by proportionate quarterly deductions. 3rd, Incumbents to have no claim to have such deficiency made good to them.

62. The Annual surplus, if any, of the Collegiate High School Income Fund to be carried to credit of the High School Investment Fund, and to be invested with the other monies of that Fund.

63. The Caput of the University to have power to suspend the Principal and Tutors of the Royal Collegiate High School for a limited period; and, with the approval of the Board of Control, to remove them.

### XIII. *Miscellaneous Provisions respecting the University and the Collegiate High School.*

64. No religious Tests to be imposed, either in the University, or in the Royal Collegiate School, except with respect to Professorships of Divinity, etcetera.

65. The University of Toronto is not to erect, or establish, Colleges, or Professorships, of Divinity, except such as may be in Colleges incorporated with it, under the 30th Section, of the Act, or to afford them any assistance, except a site for a College.

66. Neither the University of Toronto nor the Royal Collegiate High School is to borrow any money, except under the authority of a Statute of the University, establishing an annual Sinking Fund of five *per centum*, besides providing for the payment of the interest on the capital of the sum borrowed

67. The Caput of the University is to make an Annual Report on the affairs of University.

68. The University is to be entitled, for the use of its Library, to one copy of all works published in the Province, which shall be delivered to Librarian within a certain time, under a penalty of £5, besides the value of the work, for default.

#### *E. Provisions of the University Act in regard to King's College.*

69. Repeals the Upper Canada Amendment of Charter Act of 1837, 7th William IV., Chapter 16, and, as respects King's College, such parts of the Royal Charter of 1827, as confers University powers, etcetera, and all Statutes and Rules for carrying the same into effect.

70. The Corporate name of King's College to be "the President, Masters and Scholars of King's College, in the University of Toronto.

71. The President, Vice-President and one Professor, or the Vice-President and two Professors, to be a Quorum of King's College Council.

72. Seniority among the Professors of the University to be governed by the seniority of the University Chairs, and not by the date of the appointment to such Chairs :

73. If not, Seven Professor qualified to be Members of King's College Council under the Charter. Vacancies in the Council, to be filled by the Bishop and Clergy of the Protestant Episcopal Church in Upper Canada, who shall have power to decide on the persons to retire, on the appointment of a Professor qualified to sit in such Council.

74. The Power of suspending Members of the King's College Council from their seats, and of allowing the sufficiency of their excuses for absence to be vested in the College Council.

75. No Statute of King's College to be repugnant to the Statutes of the University, and, as far as they are so, are to be void.

76. The Disallowance of the Statutes of King's College to be made known to the President, in lieu of the Chancellor, as in the Royal Charter of 1827.

77. The initiative of the proposal of Bye-laws to be with the President, who shall consult thereon with the Senior Member of the College Council.

78. Persons before they receive from the King's College Council, Certificates for Degrees in Divinity to be bound to conform to the Provisions of the Royal Charter.

79. The Statutes of the College, providing for the appointment of a Vice President are confirmed, except that part of them which limits their continuance.

80. All the Statutes of King's College, establishing any other Professorships, (than those of Divinity and Hebrew,) are repealed; but the College is to have the power to re-enact them, or to establish other similar Chairs.

#### *F. Regiopolis College, Kingst n.*

81. Repeals so much of Upper Canada Act of 7th William IV, Chapter 56, or of the Statutes of the College, which are repugnant to this Act.

82. Corporate name of Regiopolis College to be: the President, Masters and Scholars of the College of Regiopolis in the University of Toronto.

#### *G. Queen's College, Kingston.*

83. Repeals the Proviso to the 7th Section, and Sections 10 and 15 of Upper Canada Act, 3rd Victoria, Chapter 35, and also all such parts of the Royal Charter as give the like powers, and such parts as give Queen's College University powers, etcetera, and all Statutes and Rules for carrying the same into effect, which are repugnant to this Act.

84. The Corporate name of Queen's College to be: the Principal, Masters and Scholars of Queen's College, in the University of Toronto.

#### *H. Victoria College, Cobourg.*

85. Repeals so much of the 3rd Section of the Provincial Act of 4 and 5 Victoria, Chapter 37, as gives the power of conferring Degrees, and all such parts of the Charter of 1836 as gives the like power, and all Statutes of the College for carrying the same into effect, which are repugnant to this Act.

86. The Corporate name of College to be: the Principal, Masters and Scholars of Victoria College, in the University of Toronto.

#### *I. General Miscellaneous Provisions.*

87. The Power of making Bye-laws conferred by Charter, or otherwise, upon any of the Colleges of the University, to be subject to the further restriction, that they shall not be repugnant to this Act.

88. Neither the University, nor any of the Colleges erected, or to be erected, to issue notes, nor act as Bankers.

89. Instruments, etcetera, entered into with Colleges, by whatever name, to be good to them, by their respective corporate names.

90. The Corporations of the different Colleges to be liable to all debts, etcetera, contracted by them, under whatever name respectively.

91. All powers and privileges of the different Colleges which are not expressly taken away by this Act, are confirmed.

#### *J. Temporary Provision for the advantage of the University and its Colleges respectively, and for the protection of Individuals heretofore appointed to Professorships.*

92. The Governor may, within three years, appoint a Commission to enquire into accounts and Fiscal affairs of the University, and report a system for the keeping of the Books.

93. Such Commission to have power to send for persons and papers

94. The completion of the Building for the accommodation of the University to be under the direction of the Provincial Board of Works.

95. £500 per annum, for four years, out of the University Investment Fund, to be granted to each of the four Colleges named in Sections 81—85, to be payable quarterly.

96. The Present debt of the Royal Collegiate High School to the University to be cancelled.\*

97. The Collegiate High School granted £500 annually, out of the University Funds for four years.

98. Persons already appointed, whether regularly, or otherwise, to Professorships in King's College, to be continued so for twelve months, and for such further period as the Chancellor may, by Warrant, direct, and to deemed Professors, of the said University and Members of the Caput thereof.

99. Each of such Professors to receive £100 per annum, from the date of his original appointment, until he shall be appointed to, or have been offered a Professorship, with a salary attached to it.

100. Upon any such Professor being appointed to any such Professorship, with a salary attached to it, he shall receive an allowance equivalent to what would have been the amount of such salary from the date of his original appointment, to a Chair in King's College, less the portion of the £100 per annum,—that allowance to be made him under the last preceding Section of this Act.

101. The Chancellor to be empowered to make good to certain Persons certain deficiencies should they occur.

*K. Common Conclusion.*

102. This Act to be a Public Act, and may be amended, this Session.

COPY OF THE ORIGINAL BALDWIN UNIVERSITY BILL OF 1843.

A. TITLE OF THE BILL :

An Act to provide for the Separate exercise of the Collegiate and University Title. Functions of the King's College, established at the City of Toronto, in Upper Canada :—for incorporating certain other Colleges and Collegiate Institutions of that division of the Province with the University :—and for the more efficient Establishment and satisfactory Government of the same.

B. PREAMBLE OF THE BILL.

Whereas a University for the advancement of learning in that Division of this Province called Upper Canada, established upon principles calculated to conciliate the confidence, and ensure the support, of all classes and denominations of the people, would, under the blessing of the Divine Providence, greatly promote the best interests, religious, moral and intellectual of the people at large ; and

Whereas, to supply the want of such an Institution, His late Majesty, King George the Fourth, was graciously pleased, by a Royal Charter, tested at Westminster on the fifteenth day of March, (1827), in the Eighth Year of His Reign, to establish a College at Toronto, (then called York,) in that division of the Province, under the name of King's College, with the style and privileges of an University, and, afterwards, to endow the same with certain of the Waste Lands of the Crown, in that part of the Province ; and

Whereas, with a like view, to supply a want, certain other Colleges and Collegiate Institutions have since then been established, in the same division of the Province, one at the same place under the name of "Upper Canada College," endowed also out of the Public Lands ; one at Kingstone, under the name of "the College of Regiopolis," endowed by private means alone ; another, at the same place, under the name of "Queen's College," or "the University of Kingston," in like manner endowed by private means alone ; and another at Cobourg, under the name of "Victoria College," endowed by private means, assisted by a Parliamentary Grant ; the two latter of such Colleges having likewise the style and privileges of Universities : and

\*In regard to the discharge of this debt, see page 190 of the Third Volume of this Documentary History.



Whereas, the people of the Province of Upper Canada consist of several and various Denominations of Christians to the Members of each of which, without distinction, it is desirable to extend the benefits of the University Education and to maintain the just rights and privileges of all, without offence to the Religious Opinions of any, by leaving the teaching of Divinity and the Education of the Clergy and Ministers of Religion to Collegiate Institutions incorporated into the University, but managed under their several Charters, in connection with the different Churches, or other Religious Bodies contemplated by their Founders, as declared in such Charters respectively : and

Whereas, by an Act of the Provincial Parliament of the late Province of Upper Canada, which was passed by it in the Seventh year of the Reign of His late Majesty King William the Fourth, numbered Chapter Sixteen, and intituled :—“An Act to amend the Charter of King’s College,” the Charter of the said mentioned College was, in certain particulars, altered and amended, in order, as the Preamble to the said Act recites, to meet the desire and circumstances of the Colony : And

Whereas, for the more complete accomplishment of these very desirable objects, it is expedient to repeal the said Act, and to substitute some other provisions in lieu thereof, for the purpose of providing for the separate and more efficient exercise of the Collegiate and University functions of the said Institution : And,

Whereas, with a view to the self-same objects, it is also expedient to alter and amend, in several particulars, certain other Acts of Parliament of the said late Province of Upper Canada, and an Act of the Parliament of this Province, referring to others of the said Colleges and Collegiate Institutions respectively : To Incorporate such Institutions with the said University, and to transfer to, and vest in, such University the sole power of conferring Degrees in the several Arts and Faculties in Upper Canada, and to make some other provisions for the efficient establishment and satisfactory government of the said University ;—

I.—*Be it therefore enacted by the Queen’s Most Excellent Majesty*, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada,—constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled : “An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,” and it is hereby enacted by the authority of the same—

King’s College  
divided into  
two parts.

That the University functions, powers and privileges of the said King’s College, so established at, or in the neighbourhood of, the City of Toronto, in Upper Canada, under authority of the said Charter of His late Majesty King George the Fourth, shall be held, exercised, and enjoyed separately and apart from the Collegiate functions, powers, and privileges of the said College ; and that, for this purpose, the said King’s College shall be divided into two Institutions : the one to be called the University of Toronto, and the other King’s College, in the said University.

C. SEPARATION OF KING’S COLLEGE FROM THE COLLEGIATE PART OF THE UNIVERSITY OF TORONTO, AND THE ESTABLISHMENT OF A ROYAL COLLEGIATE GRAMMAR SCHOOL IN DEPENDENCE UPON THE UNIVERSITY.

King’s College  
Functions  
transferred.

II. *And be it enacted*, That all the University functions, powers, and privileges in the said Charter of His late Majesty King George the Fourth, granted in 1827,\* or vested in, the said College, or University of King’s College, shall be, and the same are hereby transferred from the said College, and, together with all other powers and privileges of what nature, or kind, soever, held or enjoyed, by the Universities of the United Kingdom of Great Britain and Ireland, or any of them, shall be, and the same are hereby vested in the said University of Toronto.

\* A copy of this Charter will be found on pages 222-225 of the First Volume of this Documentary History.

† For Charters, or Acts of Incorporation, relating to these Colleges, as here referred to, see as follows :—

1. *Upper Canada College*, page 301 of the First Volume of this Documentary History.
2. *Upper Canada Academy*, page 268 of the Second Volume.
3. *Regiopolis College, Kingston*, page 80 of the Third Volume.
4. *King’s College Charter Amendment*, page 88 of the Third Volume.
5. *University of Kingston*, page 235 of the Third Volume.
6. *Victoria College*, page 57 of the Fourth Volume.
7. *Queen’s College*, page 84 of the Fourth Volume.

III. *And be it enacted*, That all and singular the University functions, powers, and privileges of what nature, or kind, soever, vested either by Royal Charter, Act of Parliament, or otherwise, howsoever, in any of the said other Colleges before mentioned,—that is to say, in Upper Canada College, the College of Regiopolis, Queen's College, or Victoria College, or any of them, shall be, and the same are hereby, in like manner, transferred to, and vested in, the said University; and henceforth none of the said Colleges, nor any other College, or Collegiate Institution, of what nature, or kind, soever now established, or which may hereafter be established in Upper Canada, shall grant, or confer, any of the Degrees of Doctor, Master, or Bachelor, in any of the Arts, or Faculties, but the conferring of all such degrees in that Division of this Province, shall henceforth rest solely with, and be vested in, the said University, anything in any Charter of any such College, or Collegiate Institution, to the contrary thereof, in any wise notwithstanding.†

Other Colleges' functions transferred.

IV. *And be it enacted*, That, henceforth there shall be no Chancellor, Vice-Chancellor, or other University officer, of, in, for, or belonging to any of the said Colleges of King's College, Regiopolis College, Queen's College, or Victoria College.

Offices in Colleges abolished.

V. *And be it enacted*, That Upper Canada College shall henceforth be called and known, by the name of the Royal Collegiate High School of the University of Toronto, and shall be incorporated with the said University of Toronto, as a Collegiate Grammar School, in connection with, and under the control of, the said University.

Title of U. C. College changed.

#### D. ORGANIZATION OF THE UNIVERSITY AND THE ROYAL COLLEGIATE GRAMMAR SCHOOL.

##### *The University and its Corporate Powers.*

VI. *And be it enacted*, That the University of Toronto shall consist of all the Colleges hereinbefore mentioned, that is to say,—King's College, Regiopolis College, Queen's College, Victoria College, and of the said Royal Collegiate High School as a dependency upon, and under the management of, the said University, and of such and so many other Colleges, as may hereafter, from time to time, be established and incorporated with the said University, in the manner hereinafter provided.

Certain Colleges con-federated.

VII. *And be it enacted*, That the said University, and the Chancellor, Masters, and Scholars thereof, for the time being, shall by, and under the name of, the Chancellor, Masters, and Scholars of the University of Toronto, henceforth continue and be a Body Corporate and politic, and have perpetual succession and a Common Seal, with power to change, alter, or make anew the same, and shall and may, by the name aforesaid, contract and be contracted with, sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and places whatsoever, and that they, and their successors, by and under the name aforesaid, shall be able and capable in Law of purchasing, and, by devise, bequest, or otherwise, acquiring, having, holding and enjoying, to them and their successors, any estate, real, or personal, to, and for, the use of them, the said Chancellor, Masters, and Scholars, or to, for, or in trust, for any other use, or purpose whatsoever, and of letting, conveying, or otherwise, disposing thereof, from time to time, as they may deem necessary or expedient.

University of Toronto incorporated.

#### II. THE EXECUTIVE MANAGEMENT OF THE UNIVERSITY.

VIII. *And be it enacted*, That there shall be in the said University a Chancellor and Vice-Chancellor of the said University.

IX. *And be it enacted*, That there shall be in the said University a Council, to be called the Caput of the said University, which Caput shall consist of the Chancellor, the Vice-Chancellor, one Professor from each College having less than four Professors on the foundation thereof, and two from each of such Colleges having four, or more, Professors on the foundation thereof, four Professors from the Faculty of Arts, and two from each of the two other Faculties of Law and Medicine, and that the Chancellor, or, in his absence, the Vice-Chancellor, or Pro Vice-Chancellor for the time being, and, in case their being neither Chancellor, Vice-Chancellor, nor Pro Vice-Chancellor present, the Member of such Caput, who shall be senior on the books of the said University, shall preside in the said Caput, and, in the event of an equality of Votes on any question, the person, so presiding, shall have an additional, or casting, Vote.

Chancellor and Vice-Chancellor. University Caput.

Governor to be Chancellor. *X. And be it enacted*, That the Governor, Lieutenant Governor, or Person Administering the Government of this Province, for the time being, shall *ex-officio* be the Chancellor of the said University.

Vice-Chancellor to be elected. *XI. And be it enacted*, That the Vice Chancellor of the said University shall be elected annually from among the Heads of Colleges, and such Professors as hold Chairs upon the foundation of the said University, by the Convocation of the said University, at such time as shall be prescribed by a Statute of the University, to be passed, for that purpose, and such Vice-Chancellor shall hold his office for one year,—that is to say, from the time of his election to the day next before the day for the election of Vice-Chancellor for the following year, both days inclusive.

Pro Vice-Chancellor. *XII. And be it enacted*, That in the absence of the Chancellor, and Vice-Chancellor, or in the absence of the Chancellor, and when there shall be no Vice-Chancellor, the Member of the Caput, senior in standing on the books of the said University for the time being, shall, under the name of Pro Vice-Chancellor, exercise all the Powers, and perform all the duties of the Vice-Chancellor of the said University.

Appointment of Members of Caput. *XIII. And be it enacted*, That the several members of the Caput, except the Chancellor and Vice-Chancellor, shall be appointed annually by the respective Colleges and Faculties, at such time, and in such manner, as shall be prescribed by a Statute of the said University, to be passed for that purpose, and shall hold their seats in such Caput, by virtue of such appointment for one year—that is to say, from the time of such appointment to the day next before the day for the appointment of members of the Caput for the following year, both days inclusive.

Chancellor, Vice-Chancellor and Caput as an Executive. *XIV. And be it enacted*, That the Executive Power and Government of the said University shall be vested in, and exercised by, the Chancellor, or, in his absence, the Vice-Chancellor, of the said University, and the Caput thereof; and, that all the Acts of the Chancellor, and Vice-Chancellor, of the said University, in the Executive Government thereof, except in matters, in which the said Chancellor and Vice-Chancellor, or either of them, are, by this Act, invested with separate and distinct powers, or, hereafter, may be invested with such separate and distinct powers by a Statute of the said University, shall be under the direction, and subject to the control, of the Caput of the said University, which Caput, except as before excepted, shall have full power by itself, or its Committees, to make orders and give directions in all such matters.

### III. THE LEGISLATIVE POWERS OF THE UNIVERSITY—HOW EXERCISED.

Legislative Powers of Chancellor and Convocation. *XV. And be it enacted*, That the Legislative Powers and Government of the said University shall be vested in the Chancellor, and Convocation thereof, who, in the manner hereinafter provided, shall, and may, make all such Statutes, Bye-Laws and Ordinances as they may think necessary, or expedient, touching, or concerning, the good Government of the said University, and the Royal Collegiate High School, and the different Colleges of the said University, or touching, or concerning, the different Professorships, Masterships, and Teacherhips in, or belonging to, the same, the Studies, Lectures, Examinations, Degrees in Arts and Faculties, and all matters regarding the same, the number, residence and duties of the Officers, Professors, Masters, Teachers, Scholars and Servants of the said University, the said Collegiate High School, and the different Colleges of the said University, the management of the revenues and property of the said University, and of the said High School, the salaries, stipends, provisions and emoluments of the Officers, Professors, Scholars and Servants of those Institutions, and touching and concerning any other matter, or thing, which to them shall seem good, fit and useful, for the well being and advancement of the said University, and High School; and also, from time to time, by any new Statutes, Bye-Laws, or Ordinances, to revoke, renew, amend, augment, or alter all, every, or any, of the said Statutes, Bye-Laws, or Ordinances, as, from time to time, to them shall seem necessary, or expedient.

Who are Members of Convocation. *XVI. And be it enacted*, That the Chancellor and Vice-Chancellor of the said University, the Heads of all the Colleges in the same, whether under the name of President, Principal or other designation, and all other persons holding Professorship in the said University, on the foundation of the said University, and all persons admitted therein to the degree of Master of Arts, or to any Degree in Divinity, Law or Medicine, and who from the time of such admission to such Degree shall



pay the annual sum of Twenty shillings of lawful money of Canada, for and towards the support and maintenance of the said University, shall be and be deemed taken and reputed to be Members of the Convocation of the said University.

#### IV. CONTROL BY AN EXTRA RURAL BOARD, CONSISTING PRINCIPALLY OF LAY MEMBERS.

*XVII. And be it enacted*, That there shall be in the said University a Body to be called the Board of Control of the said University, which shall consist of the Bishop, for the time being, of the Protestant Episcopal See of Toronto, in connection with the United Church of England and Ireland, or the Bishop, for the time being, of whatever Protestant Episcopal See, in connection with the said Church shall contain the City of Toronto within its territorial limits ; the Bishop, for the time being, of the Roman Catholic See of Toronto, or the Bishop, for the time being, of whatever Roman Catholic See shall contain the City of Toronto within its territorial limits ; the Moderator of the Synod, for the time being, of the Presbyterian Church in Upper Canada, in connection with the Church of Scotland ; the President of Conference, for the time being, of the Wesleyan Methodist Church in Upper Canada ; and the Bishop, Moderator, Superintendent, President, or other Head, for the time being, of any other Religious Body, or Denomination, in Upper Canada, professing belief in the Holy Scriptures, who shall have an endowed College in the said University, in connection with such Religious Body ; or, if any such Body, or Denomination, shall have no such Bishop, Moderator, Superintendent, President, or other Head, then any Person appointed for such purpose by such Religious Body, or Denomination ; the Members, for the time being, representing the City of Toronto in the Provincial Parliament ; the Members for the time being, representing the different Ridings of the County of York, in the Provincial Parliament ; the Treasurer of the Law Society of Upper Canada, for the time being ; the President of the Medical Board for Upper Canada, for the time being ; and the Mayor of the City of Toronto, for the time being ; and of twenty others ; such twenty others to be in the first place appointed by the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, for the time being, by, and with, the advice and consent of the Executive Council thereof, by Warrant, under his Hand and Seal, and thereafter, as vacancies shall occur in the said Board of Control, by the death, resignation, refusal to act, or incapacity from mental, or bodily infirmities, of any of such twenty Members,—the same to be supplied by the like appointment of the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, for the time being, and by and with, the like advice and consent of the Executive Council thereof, upon the recommendation of the said Board of Control, of a fit and proper person to fill such vacancy.

Board of Control constituted.

*XVIII. And be it enacted*, That the said Board of Control shall meet in the said University,—when, and as often as they may be called together by the Chancellor, or Vice-Chancellor of the said University, for the time being, by Warrant under Hand and Seal, setting forth briefly the object of such Meeting, as for the consideration of Drafts of proposed Statutes ; for the recommendation of persons to be appointed Examiners ; for the recommendation of a candidate to fill the Chair of a Professorship, or the like ; and notice of the issue of which Warrant shall be given by the Bursar of the said University, for the time being, or by such other Officer of the same, as any Statute of the said University may direct, to every Member of such Board of Control, by a Letter, signed by such Bursar, or other Officer, stating the day, place and hour of such Meeting, and the object thereof, as set forth in the Warrant by which the same shall be called, and which Letters shall be left at the place of residence of such Members of the said Board as reside in the City of Toronto, at least two full days before the day appointed for such Meeting, and shall be sent by post to such Members thereof as reside elsewhere, properly directed, according to any general instructions, in writing, left by such Members, respectively, at the Office of such Bursar, or other Officer, for that purpose ; or, if no such instructions shall have been so left, then, directed as correctly as such Bursar, or other Officer can, with reasonable diligence ascertain ; and, at every Meeting of such Board some Member thereof shall, by the Members present be appointed to preside ; and the Bursar of the said University, or such other Officer thereof, as any Statute of the said University may direct, shall act as Clerk to such Board ; and the proceedings of such Board shall be authenticated by the signatures of the Chairman, for the time being, and such Bursar, or other Officer, who shall be bound to authenticate and give effect to the same, according to the direction of the said Board ; Pro-

Proceedings of the Board of Control.

Quorum. vided always, nevertheless,—*Firstly*, that not less than twelve Members shall be a Quorum of such Board for the despatch of business; and *Provided* always, also *Secondly*, that such Board, having once met in compliance with any such Warrant, may adjourn, from time to time, until the business, for which they were called, shall have been finally disposed of.

#### V. MANNER OF PASSING UNIVERSITY STATUTES.

Regulation as to By-Law. *XIX. And be it enacted*, That every Statute of the said University shall, in the first instance, be proposed by the Caput to the Board of Control, in the shape of a Draft, and having been approved, or modified, by that Board, shall, in its approved, or modified, form be submitted by the Caput, if they shall deem it expedient so to do, to the Convocation of the said University, and be passed by such Convocation, after which it shall be presented to the Chancellor of the said University for his assent thereto, and, if he shall give such assent, under his Hand and Seal, at any time within twelve calendar months after the same shall have been passed by the Convocation, such Draft shall then, and not otherwise, become a Statute of the said University, and be enrolled as such in the Archives thereof.

Amendment by convocation. *XX. And be it enacted*, That in the event of any amendment being proposed in Convocation to any such Draft, and such Amendment shall be returned to the Caput, and shall not be further proceeded upon by the Convocation, unless again submitted to the Convocation by the Caput, with the approbation of the Board of Control, as in the first instance.

First Proviso. *XXI. And be it enacted*, That no Draft of any Statute shall be approved by the Board of Control of the said University, until it shall have been considered at two several Meetings of the said Board, held on different days, such days to be not less than eight full days, exclusive from each other.

Second Proviso. *XXII. And be it enacted*, That no such Draft shall be finally passed by the Convocation of the said University, until the same shall have been considered and approved of by two several Convocations, held on two different days, such days to be not less than one month from each other.

The Queen's disallowance of By laws. *XXIII. And be it enacted*, That it shall and may be lawful for Her Majesty, Her Heirs, or Successors, at any time within two years after the passing of any Statute of the said University, to declare Her disallowance of the same, and that such disallowance, being signified to the said University by the Chancellor thereof, by an Instrument, in the nature of a Proclamation, under his Hand and Seal, shall operate as a repeal of such Statute from the date of such Instrument.

#### VI. WHO SHALL BE VISITORS OF THE UNIVERSITY.

Visitors. *XXIV. And be it enacted*, That the Judges, for the time being, of Her Majesty's Courts of Law and Equity, having general Jurisdiction throughout Upper Canada, shall, on behalf of Her Majesty, Her Heirs and Successors, be Visitors of the said University.

#### VII. DETAILS OF THE EDUCATIONAL MACHINERY OF THE UNIVERSITY.

University Staff. *XXV. And be it enacted*, That there shall be on the foundation of the said University such, and so many, Professors, Lecturers and Teachers in the different Arts and Faculties in the said University, as shall, or may, from time to time, be established and provided for by any Statute of the said University, passed, as hereinbefore provided: *Provided* always, that one of such Professorships shall be a Professorship of Agriculture.

Proviso. *XXVI. And be it enacted*, That the Professorships, Lectureships, and Teacherships in the said University, established by Statute of the said University, and provided for upon the foundation thereof, shall be filled by appointment, under Hand and Seal, by the Chancellor of the said University, for the time being, upon the recommendation, in writing, of a majority of the Members, for the time being, of the Board of Control of the said University, or, in default of such recommendation, within twelve calendar months, after the first establishment of any such Professorship, Lectureship, or Teachership, or after any subsequent vacancy in the same, then by appointment, under Hand and Seal, of such Chancellor, for the time being, without any such recommendation.

XXVII. *And be it enacted*, That no person holding a Professorship in, or upon, the foundation of any of the Colleges of the said University, shall, by virtue of such Professorship be deemed a Professor, within the meaning of the Ninth, Eleventh and Sixteenth Sections of this Act, or within the meaning of any Statute of the said University, treating of the Professors of the University by such general designation.

Professors in outlying Colleges.

XXVIII. *And be it enacted*, That it shall be in the power of the said University, by any statute to be passed for that purpose, to attach any other duties connected with the said University, or the government, or discipline, thereof, or to the government, or discipline, of the Professors, Lecturers, Teachers, or Members, or of the Officers, or Servants, thereof to any other Professorship, Lecturership, or Teachership, on the foundation of the said University, without making any additional allowance to the person filling such Professorship, Lecturership, Teachership, or Office, for the performance of such additional duties, unless they shall think it expedient so to do, and the person filling the same, for the time being, shall be bound to perform such duties, whether they were attached to such Professorship, Lecturership, Teachership, or office, before or after his appointment to the same.

Extra Duty may be assigned to Professors.

XXIX. *And be it enacted*, That the said University shall make special provision, by Statute, for the matriculation, discipline, and superintendence of all such persons as shall be matriculated in the said University, without being on the books and subject to the discipline of any College of the said University; Provided always, that nothing in this subject shall be held to limit, or restrain, the power of the said University over any College, or Hall, or over any of the Professors, Officers or Members of the said University, or of any College, or Hall, thereof.

Discipline of matriculants.

#### VIII. THE ESTABLISHMENT OF INDEPENDENT COLLEGES AND THEIR INCORPORATION WITH THE UNIVERSITY.

XXX. *And be it enacted*, That, upon Her Majesty, Her Heirs, or Successors, or any other Person, or Persons, Bodies politic or corporate, conveying, or procuring to be conveyed to competent Trustees in due form of law, property, either real or personal, of sufficient value, in the opinion of the Board of Control of the said University, for the endowment of a College in the same, and producing a Certificate, signed by a majority of the Members of the said Board of Control of the said University, for the time being, of his, or their, having done so, it shall and may be lawful, in any Charter of incorporation, or other Letters Patent, which it may please Her Majesty, Her Heirs, or Successors, for that purpose, to grant under the Great Seal of this Province, to declare such College incorporated with the said University, and, thereupon, such College shall, to all intents and purposes whatsoever, be incorporated with, and form part of, the said University, and become one of the Colleges thereof, with all the privileges attached to such Colleges in general: Provided always, nevertheless, that no such College shall be admitted into, or incorporated with such University, unless the endowment thereof, so conveyed to Trustees, as aforesaid, shall appear to the satisfaction of the Governor, Lieutenant Governor, or Person Administering the Government of the Province, for the time being, in Council, to be of such value, and to be so invested as to insure an annual income in money, equivalent to the then current value of One Thousand bushels of wheat, or upwards.

Incorporation of Colleges with Toronto University.

Proviso.

XXXI. *And be it enacted*, That it shall and may be lawful for the Founder, or Founders, of any College, in the said University, the Charter of which shall provide for, allow, or require the appointment, or establishment, of a Professorship of Divinity therein, to appoint, prescribe, and require at his, her, or their, discretion, any and such tests, religious, doctrinal, or literary, or of any other nature, or kind whatsoever, which he, she, or they, may think expedient as a qualification for being appointed to, or holding any such professorship, or, as a qualification for receiving any Certificate, to entitle the party receiving the same to any Degree in the Faculty of Divinity in the said University, according to the provisions herein contained for that purpose, and the same, with all such Rules and Regulations, as such Founder, or Founders, shall think fit to prescribe, touching, or concerning, the same, shall be recited, or set forth, in the Charter, for the establishment of the said College, in and the incorporation thereof with the said University, and shall, by such Charter, be confirmed and established; whereupon the same, and every part thereof, shall be binding and obligatory upon the said University, and all the

Founders of divinity chairs may impose tests.



Officers and Members thereof, as well as upon the persons to be appointed to such Professorships, and all others whomsoever, as absolutely, to all intents and purposes whatsoever, as if the same were Statutes of the same University, passed by the Chancellor and Convocation thereof, in the manner prescribed by this Act.

#### IX. THE CONFERRING OF DEGREES IN THE SEVERAL FACULTIES.

Degrees how conferred.

*XXXII. And be it enacted*, That the conferring of Degrees in the said University, shall belong to the Convocation thereof, and that every Diploma conferring any such degree shall be under the Common Seal of the said University, and be authenticated by the signature of the Chancellor, Vice-Chancellor, or Pro Vice-Chancellor, who shall preside in Convocation when the same was conferred, and the signatures of such, and so many, of the Professors of the said University as may think fit to sign the same.

Examiners for Degrees.

*XXXIII. And be it enacted*, That there shall be six Examiners for Degrees in the said University, who shall be appointed annually by the Chancellor of the said University, by Warrant under his Hand and Seal, on the recommendation of the Board of Control of the said University; and, in case of the death, resignation, refusal to act, or incapacity, from mental or bodily infirmity of any one of such Examiners, his place shall be filled by a like appointment, upon a like recommendation.

Exception as to Honorary Degrees.

*XXXIV. And be it enacted*, That no Degree other than an Honorary one, or one in the Faculty of Divinity, shall be conferred by the Convocation of the said University, upon any person, without the production of a Certificate from the Examiners for the year, or of the majority of them, of such person having passed an Examination before them, which, in their opinion, entitles such person to such Degree, according to the Statutes of the said University.

Regulation as to Divinity Degrees.

*XXXV. And be it enacted*, That, upon the production to the Convocation of the said University, by any person having a Degree in such University, of a Certificate, under the Seal of any College of the said University in which there shall be established a Professorship of Divinity, setting forth that such person had undergone such an examination under the authority of the said College, as, according to the Statute of such College, entitled him to the Degree of Bachelor of Divinity, or to the Degree of Doctor of Divinity, as the case may be, the said Convocation shall thereupon confer the Degree mentioned in such Certificate upon such person.

#### X. THE PROPERTY OF KING'S COLLEGE TRANSFERRED TO THE TORONTO UNIVERSITY.

University property, how vested.

*XXXVI. And be it enacted*, That all the property and effects, real and personal, of what nature, or kind, soever, now belonging to, or vested in the said College, or University, of King's College, or in the Chancellor, President and Scholars thereof, or in any other person, or persons, or body corporate, or politic, whatsoever, for the use, or benefit, of the said College, or University, shall be, and the same are, hereby conveyed to, and vested in, the Chancellor, Masters and Scholars of the University of Toronto, to hold to them and their Successors to the use of them, and their Successors for ever,—any thing in the said Charter, of his said late Majesty, in any Act of the Parliament of the late Province of Upper Canada, or of this Province, or in any Letters Patent, Royal Charter, Deeds, or other Instruments, to the contrary thereof, in any wise notwithstanding.

Legal Powers of Corporation.

*XXXVII. And be it enacted*, That all debts due to the said College, or University of King's College, or to the Chancellor, President and Scholars thereof, in their corporate capacity, and all Judgments, Recognizances, Bonds, Covenants, and other Instruments, or Contracts, uttered, acknowledged, or given to, or made with King's College aforesaid, or with the Chancellor, President and Scholars thereof, in their corporate capacity, by whatsoever name, shall be available, stand and continue of good purport and full force and strength to the Chancellor, Masters, and Scholars of the University of Toronto, as if the said College, or University, had been therein named by the corporate name hereby given to the same; and it shall and may be lawful for the said University by the corporate name, last aforesaid, to proceed upon the same, by execution or otherwise, and recover thereon, as if the same had been suffered, acknowledged, or given to, or made with them, by the name last aforesaid.

*XXXVIII. And be it enacted,* That the Chancellor, Masters and Scholars of the University of Toronto, shall, both in Law and Equity, be liable to all the present existing Debts, Contracts, and Agreements of the University of King's College, and may be sued upon and recovered against, for the same, as if the same had been contracted, or entered into, by them by the name aforesaid.

Liability of Corporation.

#### XI. FISCAL AFFAIRS OF THE UNIVERSITY OF TORONTO.

*XXXIX. And be it enacted,* That the Fiscal year of the said University of Toronto shall commence on the first day of January, and end on the 31st day of December, of each year.

Calendar year.

*XL And be it enacted,* That the salaries of the different Professors, Lecturers, Teachers, Officers and Servants of the said University, shall, by the Statutes establishing the same, be made payable quarterly, on the four quarter days of each Fiscal year, that is to say, the first day of January, April, July, and October in the same.

Salaries payable Quarterly.

*XLI. And be it enacted,* That none of the real property of the said University of Toronto, and none of the property of the said University invested, according to directions of the Forty-Fifth Section of this Act, shall be disposed of, or applied otherwise than by authority of a Statute of the said University.

Property only Disposed by Statute.

*XLII. And be it enacted,* That it shall be the duty of the Chancellor, Masters and Scholars of the said University, from time to time, out of the funds of the said University, to keep all the principal Buildings belonging to the said University insured against loss by fire, at some reputable Fire Office, or Offices, in this Country, or elsewhere, to such amount as shall be approved by the Board of Control of the said University.

Insurance of Buildings.

*XLIII. And be it enacted,* That the proceeds arising from the sales of any other Lands referred to in the Forty-First Section of this Act, which it shall, from time to time, be deemed expedient by the said University to sell and dispose of, and all monies received upon investments called in, or paid off, with any surplus of the annual income over the annual expenditure of the said University, as provided by the Forty-Sixth Section of this Act, shall form a fund, to be called in the books of the said University "The University Investment Fund," the monies, at the credit of which fund, shall, from time to time, be invested in such Government, or Landed, Securities as shall be approved of by the Board of Control of the said University.

Investment Fund established.

*XLIV. And be it enacted,* That the annual income of the said University, arising from the fees and dues payable to the same for Matriculation, Lectures, Tuition Degrees or otherwise, and from the annual, or other periodical, rents, interests and dividends, arising from the property and effects of the said University, of what nature, or kind, soever, whether real, or personal, together with all such annual, or other donations, or subscriptions, as may be made and paid into the hands of, the Bursar of the said University, for the general benefit thereof, without being specifically appointed by the Donor to any particular object or purpose, shall form another Fund, to be called "The University Income Fund," the monies at the credit of which last mentioned fund, shall be appropriated and applied to make good and satisfy the several charges by the next following Section of this Act, charged and imposed upon the said fund, in the order in which such charges are therein charged and imposed upon the same.

Annual Income, how applied.

*XLV. And be it enacted,* 1. That the first charge upon the said "University Income Fund," shall be the necessary expenses incurred in the receipt, collection and management of the monies of the said University, as well as those constituting the "Investment Fund," as those constituting the said "Income Fund." 2. The second charge upon such Income Fund shall be, the necessary outlay for taxes, insurance and repairs of the Buildings and other property of the said University. 3. The third charges upon such Income Fund shall be, the salaries of the Bursar, Librarian, and other similar officers, of the Lecturers and other Teachers, not being Professors, and the salaries, wages, and allowances, of all subordinate Officers and Servants of the said University. 4. The fourth charge upon the said Fund shall be, such sums of money as, by a Statute of the said University, to be passed for that purpose, shall be annually appropriated for the incidental expenses of the said University or the Fiscal year, or so much of such sum as shall be required for such incidental

- expenses. 5. The Fifth charge upon such Fund shall be, the salaries of the Vice-Chancellor and Professors of the said University; 6. And the Sixth, and last, charge upon such Income Fund shall be, such special appropriations out of the said Income Fund for such year, as shall have been directed to be made, by a Statute of the said University, passed for that purpose; Provided always nevertheless, (1) first, that the balance that may remain at the credit of the said Income Fund, after satisfying the three first heads of charges upon the same, for each year, shall be alone applicable to the satisfaction and discharge of the three last heads of charges upon such fund for the next year: (2) Provided also, secondly, that, in the event of such balance not being sufficient to provide for the whole amount of such three last charges upon such fund, for such next year, the amount of the deficiency of such balance to meet the whole amount of such three last charges, shall be deducted in equal proportions from all of the salaries constituting the fifth charge upon the said fund for such next year, by proportionate quarterly deductions from such salaries, as the same become respectively payable at each financial quarter of such next year respectively, so far as such deficiency can be ascertained at each of such quarters respectively: (3) And, provided also, thirdly and lastly, that for the deficiency, thus occasioned in such salaries, the Incumbents, to whose Offices, or Chairs, such salaries shall be attached, shall have no claim upon the said University, or upon the funds thereof, for such deficiency, but the amount of such salaries received by each of such Incumbents, according to the provisions of this Act, shall be deemed and taken to have been received by him in full satisfaction and discharge of the whole of his salary for the year, or portion of a year, for which such proportion of the same shall have been so paid as aforesaid.
- First Proviso.
- Second Proviso.
- Third Proviso.

Surplus, how  
disposed of.

*XLVI. And be it enacted*, That the surplus, if any, of the said University Income Fund, after satisfying and discharging the several charges by the last preceding Section of this Act charged upon the same, shall be annually transferred to the "Investment Fund" of the said University, and with the other monies belonging to that Fund, shall be, from time to time, invested, as in and by the Forty-Third Section of this Act is declared, so that there shall be no balance of the said Income Fund to be carried forward from one Fiscal year to the next, except so much thereof as shall be applicable to the satisfaction and discharge of the Fourth, Fifth and Sixth charges upon such Income Fund for the next year, pursuant to the First proviso to the Forty-Fifth Section of this Act.

## XII. THE ROYAL COLLEGIATE HIGH SCHOOL.

Royal Col-  
legiate High  
School.

*XLVII. And be it enacted*, That the Principal, Tutors and Scholars of the said Royal Collegiate High School of the said University, for the time being, shall henceforth, by, and under, the name of the Principal, Tutors and Scholars of the Royal Collegiate High School of the University of Toronto, be a Body corporate and politic, and have perpetual succession, and a Common Seal, with power to change, alter, or make anew, the same, and shall and may, by the name aforesaid, contract and be contracted with, sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and places whatsoever, and that they and their successors, by and under the name aforesaid, shall be able and capable in law of purchasing, or by devise, bequests, or otherwise, acquiring, having, holding and enjoying to them and their successors, any estate, real, or personal, to and for the use of them, the said Principal, Tutors and Scholars, and of letting, conveying, or otherwise disposing thereof, from time to time, as they may deem necessary, or expedient.

Appointment  
of Principal.

*XLVIII. And be it enacted*, That the Principal of the said Collegiate High School shall be appointed by Warrants, under his Hand and Seal by the Chancellor of the said University, for the time being, on the recommendation of the Caput of the said University.

Vice-Princi-  
pal and  
Tutors.

*XLIX. And be it enacted*, That the Vice-Principal, Tutors, and other Masters and Teachers of the said Collegiate High School, shall be appointed by the Caput of the said University, with the approval of the Board of Control thereof.

Council of  
Collegiate  
High School  
constituted.

*L. And be it enacted*, That the Principal, Vice-Principal and Tutors of the said Collegiate High School, shall form a Council for such High School, of which any three shall be a quorum, and shall, with the approval of the Caput of the said University, have power to make all such Rules and Regulations as they may deem expedient for the good government of the said High School, not inconsistent with the Statutes of the said University; all such Rules and Regulations being, at all



times, and in all particulars, subject to be overruled by any Statute of the said University, passed by the Chancellor and Convocation thereof, in the manner hereinafter provided; and that the Principal, or, in his absence, the Vice-Principal, or, in the absence of both, the Senior Tutor of the said Collegiate High School shall preside in the Council thereof, and, in the event of an equality of Votes on any question, the person, so presiding, shall have an additional, or casting, Vote.

*LI. And be it enacted,* That the Block of Land in the said City of Toronto, on which the Buildings heretofore called Upper Canada College, belonging to the said High School, have been erected; bounded on the South, by King Street; on the North by Newgate Street; on the East by John Street, and, on the West by Graves Street,\* and also, all other property and effects, real and personal, of what nature, or kind, soever, belonging to, or vested in, Upper Canada College, or in the Principal, or other Officer, or Minister (? Member) thereof, for the use, or benefit thereof, or in King's College, or in the Chancellor, President and Scholars thereof, in trust for Upper Canada College, or in any other person, or persons, or Bodies corporate, or politic, whatsoever, for the use, or benefit, of Upper Canada College aforesaid, shall be, and the same are hereby conveyed to, and vested in the Principal, Tutors and Scholars of the Royal Collegiate High School of the University of Toronto, and their successors, to and for the use of them and their successors for ever; any thing in the said Act of Parliament of the late Province of Upper Canada, or in any other Act of Parliament of Upper Canada, or of this Province, or in any Letters Patent, Royal Charters, Deeds, or other Instruments, to the contrary thereof, in anywise notwithstanding.

Property of Collegiate High School Vested.

*LII. And be it enacted,* That all debts due to Upper Canada College, or to the Principal, or any Officer, or Member thereof, or to King's College, or to the Chancellor, President and Scholars thereof in trust for Upper Canada College; and all Judgments, Recognizances, Bonds, Covenants, and other Instruments, or Contracts, suffered, acknowledged, given to, or made with, Upper Canada College, or such Principal, or other Officer, or Member thereof, on the behalf, or in trust, or for the use, or benefit, of Upper Canada College, or with King's College, or the Chancellor, President and Scholars thereof on the behalf, or in trust, or for the use, or benefit, of Upper Canada College, shall be available, stand and continue of good purport, and full force and strength, to the Principal, Tutors and Scholars of the Royal Collegiate High School of the University of Toronto, as if the said College, or High School, had been therein named by the corporate name hereby given to the same; and it shall and may be lawful for the said Collegiate High School, by the corporate name last aforesaid, to proceed upon the same by execution, or otherwise, and recover thereon, as if the same had been suffered, acknowledged, or given to, or made with them, by the name last aforesaid.

Legal Powers of the Collegiate High School.

*LIII. And be it enacted,* That the Principal, Tutors, and Scholars of the Royal Collegiate High School of the University of Toronto, shall, both in law and equity, be liable to all the existing Debts, Contracts and Engagements of Upper Canada College, and may be sued upon and recovered against, for the same, as if the same had been contracted, or entered into, by them, by the name aforesaid.

Liability of Collegiate High School.

*LIV. And be it enacted,* That the Fiscal year of the said Collegiate High School, and the periods and manner of payment of the salaries of the Principal, Tutors and other Teachers, Officers and Servants of the said Collegiate High School, shall be the same as those of the said University of Toronto.

Fiscal year.

*LV. And be it enacted,* That the salaries of the Principal, Vice-Principal, Tutors, Masters, and other Teachers, Officers and Servants of the said Collegiate High School, shall be established by the direction of the Council of the said High School, confirmed by a Statute of the said University; and no such salary, when once so established, shall, by any subsequent direction of the said Council, or Statute of the said University, be reduced, unless such subsequent direction and Statute shall be given and passed when the place to which such salary shall be attached, shall be vacant, or unless such reduction shall be limited to take effect only after the next vacancy of such place shall occur.

Salaries of Masters.

*LVI. And be it enacted,* That the Fiscal Affairs, and other matters connected with the property and effects, real and personal of the said Royal Collegiate High

Bursar to manage Fiscal Affairs.

\* i.e. Russell Square. See pages 287—290 of the First, and pages 131 and 168 of the Second, Volume of this Documentary History. "Graves" is now "Simcoe" Street.

School, shall be conducted and managed by the Bursar of the said University of Toronto, under the like management, direction and control, as the Fiscal, and other similar affairs of the said University; the said Bursar at all times affording to the Council of the said High School, or to any Member thereof, all such information touching such Fiscal, or other, affairs of the said School as may be reasonably required by such Council, or Member, respectively.

Condition of  
Sale of  
property:

*LVII. And be it enacted*, That none of the real property of the said Collegiate High School, and none of the property thereof invested, according to the directions of the Fifty-Ninth Section of this Act, shall be disposed of, or applied, otherwise than by the direction of the Council thereof, confirmed by a Statute of the said University, to be passed for that purpose.

Buildings to  
insured.

*LVIII. And be it enacted*, That it shall be the duty of the Chancellor, Masters and Scholars of the said University of Toronto, from time to time, out of the funds belonging to the said Royal Collegiate High School, to keep all the principal Buildings belonging to the said School insured against loss by Fire, at some reputable Fire Office, or Offices, in this Country, or elsewhere, to such amount as shall be approved by the Council of the said School.

Collegiate  
High School  
Investment  
Fund.

*LIX. And be it enacted*, That the proceeds arising from the Sales of any of the Lands referred to in the Fifty-Ninth Section of this Act, which it shall, from time to time, be deemed expedient by direction of the Council of the said High School, confirmed by a Statute of the said University, to be passed for that purpose, to sell and dispose of, and all monies received upon Investments, called in, or paid off, shall form a fund to be called in the books of the said University, "The High School Investment Fund," the monies at the credit of which Fund shall, from time to time, be invested in such Government, or Landed, Securities, as shall be approved by the Council of the said High School.

*LX. And be it enacted*, That the annual income of the said High School, arising from the fees and dues payable, to the same for tuition, or otherwise, and from the annual, or other, periodical Rents, Interests and Dividends, arising from the property and effects of the said Collegiate High School, of what nature, or kind, soever, whether real, or personal, together with all such annual, or other, donations, or subscriptions, as may be made and paid into the hands of the Bursar of the said University, for the general benefit of the said High School, without being specifically appropriated by the Donor to any particular object, or purpose, shall form another Fund, to be called "The High School Income Fund," the monies at the credit of which last mentioned Fund shall be appropriated and applied to make good and satisfy the several charges by the next ensuing Section of this Act, charged and imposed upon the said Fund, in the order in which such charges are therein charged and imposed upon the same

Charges on  
Collegiate  
High School  
Income Fund.

*LXI. And be it enacted*, 1. That the first charge upon the High School Income Fund, shall be the necessary expenses incurred in the receipt, collection and management of the monies of the said School, as well those constituting the Investment Fund of the said School, as those constituting the said Income Fund thereof. 2. The second charge upon such Income Fund shall be the necessary outlay for taxes, insurance, and repairs of all the Buildings and other property of the said School. 3. The third charge upon such Income Fund, shall be the Salaries of such of the Officers, Teachers and Servants of the said School, as shall not be Members of the Council thereof. 4. The fourth charge upon the said Fund shall be, such sum of money as, by direction of the Council of the said High School, confirmed by a Statute of the said University to be passed for that purpose, shall be annually appropriated for the incidental expenses of the said School for the Fiscal year, or so much of such sum as shall be required for such incidental expenses. 5. The fifth charge upon such Fund shall be the salaries of the Principal and Tutors of the said High School, who shall be Members of the Council thereof. 6. And the sixth and last charge shall be, such special appropriations, out of the said Fund, for such year, as shall be directed to be made by the Council of the said High School, confirmed by a Statute of the said University passed for that purpose: Provided always, nevertheless—(1) First, that the balance that may remain at the credit of the said High School Income Fund, after satisfying the three first charges upon the same for each year, shall be alone applicable to the satisfaction and discharge of the three last charges upon such Fund for the next year: (2) Provided also,—Secondly, that, in the event of such

First proviso.

Second  
proviso.

balance not being sufficient to provide for the whole amount of such three last charges upon such Fund for such next year, the amount of the deficiency of such balance to meet the whole amount of such three last charges, shall be deducted in equal proportions from all the salaries constituting the fifth charge upon the said Fund for such next year by proportionate quarterly deductions from such salaries, as the same become respectively payable at each Fiscal quarter of such next year respectively, so far as such deficiencies can be ascertained at each of such quarters respectively: (3) And provided also—Thirdly and lastly, that, for the deficiency thus occasioned in such salaries, the Incumbent to whose Office, or Tutorship, such salary shall be attached, shall have no claim upon the said Collegiate High School, or upon the Funds thereof for such deficiency, but the amount of such salary received by each of such Incumbents, according to the provisions of this Act, shall be deemed and taken to have been received by him in full satisfaction and discharge of the whole of his claims for the year, or portion of a year, for which such proportion of the same shall have been so paid as aforesaid. Third proviso.

*LXII. And be it enacted,* That the surplus, if any, of the said High School Income Fund, after satisfying and discharging the several charges by the last preceding Section of this Act charged upon the same, shall be annually transferred to the Investment Fund of the said Collegiate High School, and with the other monies belonging to that Fund, be, from time to time, invested as, in and by the Fifty Ninth Section of this Act, is directed, so that there shall be no balance of the said Income Fund, to be carried forward from one Fiscal year to the next, except so much thereof as shall be applicable to the satisfaction and discharge of the fourth, fifth and sixth charges upon said Income Fund for the next year, pursuant to the first proviso to the Sixty-First Section of this Act. Disposal of Surplus.

*LXIII. And be it enacted,* That it shall and may be lawful for the Caput of the said University to suspend for any period, not exceeding one calendar month, the Principal, Vice-Principal, or any of the Tutors, or other Masters, or Teachers, of the said Collegiate High School, and, with the approval of the Board of Control of the said University, to remove any such Principal, Vice-Principal, Tutor, Master, or Teacher; Provided always, that the grounds of every such suspension, and of every such removal, shall be set forth at length in the Minute Book of the said Caput. Caput may suspend Principal, etc. Proviso.

### XIII. MISCELLANEOUS PROVISIONS RESPECTING THE UNIVERSITY OF TORONTO AND OF THE ROYAL COLLEGIATE HIGH SCHOOL.

*LXIV. And be it enacted.* That no Religious Test, or qualification, whatsoever, shall be required of, or appointed for, any Person admitted, or matriculated as a Member, whether Scholar, Student, or otherwise, of the said University, or of the said Collegiate High School, or of, or for, any Person appointed to any Office, Professorship, Lecturership, Tutorship, or other place, either in the said University, or in the said Collegiate High School, or of, or for, any Person admitted to any Degree other than a Degree in Divinity, in any Art, or Faculty, in the said University. No Religious Test. Exception.

*LXV. And be it enacted,* That it shall not be lawful by any Statute of the said University, or otherwise, howsoever, to erect, or establish any College for the study of Divinity, or any Professorship, Lecturership, or Teachership of Divinity, in the said University, except only such as may be erected and established in, and incorporated with, the said University, according to the provisions of the Thirtieth Section of this Act, and all Colleges of Divinity that may be erected, or established in, and incorporated with, the said University, in the manner aforesaid, and all Professorships of Divinity in any of the Colleges of the said University, shall be supported and maintained by the funds arising from their respective endowments, the fees and dues payable by such Members of the said University and others, as may avail themselves of the benefits of such Colleges and Professorships, respectively, and the voluntary subscriptions and donations of those who may choose to contribute to the support of the same, and not from the funds of the said University: Provided always, that nothing in this Section contained shall prevent the assignment and allowance of an appropriate Site for any such College on the lands belonging to the said University. No Divinity Professor authorized. Proviso as to site.



Money can only be borrowed under Statute.

Interest provided for.

Sinking Fund.

Caput to make an Annual Report.

University Library to get a copy of all books published in U. C.

Proviso in case of default of publisher.

*LXVI, And be it enacted*, That it shall not be lawful, either for the Chancellor, Masters, or Scholars, of the University of Toronto, or for the Principal, Tutors and Scholars of the Royal Collegiate High School of the said University, to borrow any money on the security of the said University, or of the said High School, or of the funds, or other property of either, or otherwise, howsoever, except under the authority of a Statute of the said University, by which there shall, at the same time, be appropriated such an amount of the annual income of the said University, or of the said High School, as the case may be, arising from the interest and dividends of money actually invested, under the authority of the Forty-First and Fifty-Seventh Sections of this Act, respectively, as shall be sufficient to meet the annual interest upon such loan, and, in addition, there is five *per centum* per annum upon the original principal of such loan, to constitute a sinking fund for the final redemption, satisfaction and discharge of the said original principal of such loan, and the annual interest and sinking fund of every such loan, shall constitute an extra charge upon the Income Fund of the said University, or of the said Collegiate High School, which, so long as any part of the original principal of such loan shall remain unpaid, shall take precedence of the fourth, fifth and sixth annual charges upon such Income Fund respectively, as the same are respectively charged and imposed by the Forty-Fifth and Sixty-First Sections of this Act, upon the said Income Fund respectively.

*LXVII, And be it enacted*, That the Caput of the said University shall annually, on or before the first day of March in each year, report to the Governor, Lieutenant-Governor, or person Administering the Government of this Province, for the time being, for the information of Parliament, the progress and state of the said University, and of the Royal Collegiate High School thereof, during the then preceding Fiscal year, of the said University, with an account of the property, funds, Income, Debts and Incumbrances of each of such Institutions respectively.

*XLVIII, And be it enacted*, That a printed copy of the whole of any Book, which shall be published in this Province, after the passing of this Act, whether consisting of the whole, or only part of a volume, if separately published, together with all Maps, Prints or other Engravings, belonging thereto; and of every Pamphlet, Sheet of Letter Press, Sheet of Music, Map, Chart or Plan, separately published, furnished and coloured in the same manner as the best copies of the same shall be published, and also of any second, or subsequent, edition which shall be so published with any additions, or alterations, whether the same shall be in Letter Press, or in the Maps, Prints, or other Engravings, belonging thereto, and whether the first edition of such Book shall have been published before, or after, the passing of this Act, bound, sewed, or stitched together, as offered for sale generally by the publisher thereof, and upon the best paper upon which the same shall be printed, shall, within six calendar months after the same shall first be sold, published, or offered for sale, be delivered on the part of the Publisher at the Library of the said University, and a receipt taken for the same from the Librarian, which receipt shall set forth the title and edition of such Book at length, and, upon demand, be given by such Librarian to the Person depositing such copy at the said Library, and on default of such delivery within the time aforesaid, the Publisher of every such Book, Pamphlet, Sheet of Letter Press, Sheet of Music, Map, Chart, or Plan, shall forfeit, besides the value of such copy which he ought to have delivered, a sum not exceeding Five Pounds (£5). to be recovered by the Librarian, or other officer, or agent, of such Librarian, properly authorized, for that purpose, for the use of the said University, to be applied for the augmentation of the said Library, to be recovered in a summary way, on conviction before any two Justices of the Peace for the District, County, City or place, where the Publisher making default shall reside, or be found, or, by action of debt, in the name of the Chancellor, Masters, and Scholars of the said University in an action of debt, or other proceeding of the like nature, in any Court of competent jurisdiction in this Province, in which action the said University, if they shall recover, shall recover their costs reasonably incurred, to be taxed, as between Attorney and Client.

#### E. PROVISIONS IN REGARD TO KING'S COLLEGE.

Royal Charter Amendment Act of 1837. 7 William IV. ch. 16, repealed.

*XLIX. And be it enacted*, That the said Act of the Parliament of the late Province of Upper Canada, passed in the Seventh Year of the Reign of His late Majesty King William the Fourth, numbered Chapter Sixteen and intituled : ‘ An

Act to amend the Charter of the University of King's College,"\* and also as respects the said College of King's College all such parts of the Charter granted to the said College, under the name in the said Act mentioned, or under any other name whatsoever, as give to such College the functions, or grants to, or confer upon, it the powers, or privileges of an University, or as recognize, or provide for the appointment of University Officers, together with all Statutes, Rules, Ordinances and Regulations of the said College, as provide for the Government of the said College as an University, or as pertain to, or provide for, the exercise of such functions, powers, or privileges, or any of them, or the appointment, or election, of such Officers, and all such other Provisions, Statutes, Rules, Ordinances, or Regulations, as are in any way, repugnant to, or inconsistent with, this Act, from henceforth shall be, and the same hereby are repealed and annulled to all intents and purposes whatsoever, any thing in the said Act of Parliament, or in the said Charter, or in any other Charter, Grant or other Instrument to the contrary thereof in any wise notwithstanding.

*LXX. And be it enacted,* That, instead of the name mentioned in the said Charter and Act of Parliament, the corporate name of the said College of King's College shall henceforth be the President, Masters and Scholars of King's College in the University of Toronto. Designation of King's College.

*LXXI. And be it enacted,* That the President and Vice-President of the said College with any one Professor thereof, or the Vice-President of the said College, with any two Professors thereof, shall form a Quorum for the despatch of business, anything in the Charter of the said College to the contrary thereof notwithstanding. King's College. Council quorum.

*LXXII. And be it enacted.* That seniority among the Professors of the said Council of King's College, as well in the College as in the Council thereof shall be governed by the precedence of the Professorships held by such Professors, and not by the precedence of the appointments of such Professors to their respective Chairs, anything in the said Charter of the said College to the contrary notwithstanding. Seniority of Professors.

*LXXIII. And be it enacted,* That in case, at any time, there shall not be within the said College of King's College seven Professors of Arts and Faculties qualified to be members of the College Council, within the terms of the said Charter of His late Majesty King George the Fourth, the Council of the said College shall be filled up to the requisite number of seven, exclusive of the President, for the time being, by such Persons, being graduates of the said College, and Ministers of the Protestant Episcopal Church in Upper Canada, in connection with the United Church of England and Ireland, as shall for that purpose, be appointed by the Bishop and Clergy of the Protestant Episcopal See of Toronto aforesaid, having the cure of Souls,† or the majority of them, who shall also have the power of deciding in each case what particular Member of the said College Council shall vacate his seat in the said Council, upon the admission of any new Member of the said Council, holding a Professorship in the said College, and of appointing Members thereof, in the terms of the said Charter, in the place of such as may die, resign, refuse to act, be suspended, or removed from the same, or, by reason of any bodily, or mental, infirmity, or absence from the Province shall become incapable of attending the Meetings of the said Council. Provide for filling vacancies  
By the Bishop and Clergy.

*LXXIV. And be it enacted.* That the power of suspending Members of the said Council of King's College from their seats in such Council, and of allowing, as sufficient, the cause for their absence from such Council by the said Charter vested in the Chancellor, shall henceforth be vested in and executed by the said Council. Power of suspension from Council.

*LXXV. And be it enacted,* That none of the Statutes, Rules, or Ordinances, of the said College of King's College, shall be repugnant to the Statutes of the said University, and, so far as they shall be repugnant to such latter Statutes, they shall have no effect, nor be in anywise binding. No repugnant Statutes.

*LXXVI. And be it enacted,* That the disallowance of any of the Statutes, Rules, or Ordinances, of the said College of King's College, by the said Charter, required to be made known to the Chancellor of the said College, shall henceforth be made known to the President thereof, and, the making known the same to the President, shall have the like effect as by the Charter is given to the making known thereof to the Chancellor. Disallowance of Statutes.

\* See page 88 of the Third Volume of this Documentary History.

† For objection to this designation, see pages 28 and 45, *ante*.

Initiative of  
by-laws.

*LXXVII. And be it enacted*, That the initiative, in the proposal of Statutes, Rules and Ordinances to the said College Council of King's College, by the said Charter, vested in the Chancellor thereof, shall henceforth be vested in, and be exercised by, the President of the said College, who shall consult with the next senior Member of said Council respecting the same, in the same manner as, in and, by the said Charter was required of the said Chancellor.

Condition of  
receiving  
Degrees in  
Divinity.

*LXXVIII. And be it enacted*, That any person, before he shall receive from the said College Council of King's College, any Certificate entitling him to be admitted, as herein provided, to any Degree in Divinity, in the said University, shall conform to all the provisions in the said Charter contained and required of Persons, prior to their being admitted to any such Degree.

Certain King's  
College Stat-  
utes continued

*LXXIX. And be it enacted*, That so much of the present Statutes, or Ordinances, in the nature of Statutes of the said College of King's College, as provided for the establishment of the Office of Vice-President of the said College, and so much of such Statutes, or Ordinances, as provide for the establishment of the Professorships of Divinity and Hebrew, and so much of the same as regulate the place and precedence of the Vice-President of the said College, and of the said Professors of Divinity and Hebrew, shall be valid and effectual Statutes of the said College, and shall, to all intents and purposes, whatsoever, be and continue binding upon the said College of King's College, and all Members thereof, until altered, or repealed, by some subsequent Statute of such College, anything in the Charter of the said College contrary thereof in any wise, notwithstanding, except only so much of the same as limits the continuance of the said office of Vice-President.

Certain  
Statutes  
repealed.

*LXXX. And be it enacted*, That, so much of the Statutes, or Ordinances, in the nature of Statutes of the said College of King's College, as provide for the establishment of any other Professorships than those of Divinity and Hebrew, shall be and the same are hereby repealed and annulled, and the Professorships abolished, to all intents and purposes whatsoever; provided always nevertheless, that nothing herein contained shall prevent the said College of King's College from re-enacting any such Statutes, or Ordinances, or re-establishing any such Professorships, or enacting any others in lieu thereof, if they shall deem it expedient so to do.

Proviso.

#### F. PROVISIONS IN REGARD TO REGIOPOLIS COLLEGE, KINGSTON.

7 William  
iv. Chap. 56  
repealed.

*LXXXI. And be it enacted*, That so much of the said Act of the Parliament of the late Province of Upper Canada passed in the Seventh Year of the Reign of His late Majesty, King William the Fourth, numbered Chapter Fifty-Six and intitled: "An Act to incorporate certain Persons therein named as a Board of Trustees for the erection, superintending and management of a Roman Catholic College, at Kingston, to be known by the name of the College of Regiopolis, and for other purposes therein mentioned," and all the Rules, Ordinances, and Regulations of the said College, in any way repugnant to, or inconsistent with, this Act, from henceforth, shall be, and the same hereby are, repealed and annulled, to all intents and purposes whatsoever, anything in the said Act of Parliament, or the Deed therein mentioned, or in any Charter, or other Instrument, to the contrary thereof in anywise notwithstanding.

Also Rules,  
etc.

Description of  
the College.

*LXXXII. And be it enacted*, That, instead of the name mentioned in the said Act of Parliament, the Corporate name of the said College of Regiopolis shall henceforth be the President, Masters and Scholars of the College of Regiopolis in the University of Toronto.

#### G. PROVISIONS IN REGARD TO QUEEN'S COLLEGE, KINGSTON.

3 Vict. Ch. 35,  
Sees. 7, (pro-  
viso), 10, and  
15 repealed.

*LXXXIII. And be it enacted*, That the proviso to the Seventh Section of an Act of the Parliament of the late Province of Upper Canada, passed in the Third Year of the Reign of Her Majesty Queen Victoria, numbered Chapter Thirty-Five, and intitled: "An Act to Establish a College, by the name and style of the "University at Kingston," the whole of the Tenth and Fifteenth Sections of the said Act and all such parts of the Charter, granted to such College, under the name of "Queen's College at Kingston," or under any other name whatsoever, as make the like provisions or give any the like directions as the said proviso, or the said Tenth and Fifteenth Sections of the said Act of Parliament, and all such other parts of the said Act, and of the said Charter, as give to such College the functions of, or

Also part of  
Charter.



grant to, or confer upon it, the powers, or privileges, of an University, or as pertain to or provide for the appointment of University Officers, together with all such Statutes, Rules, Ordinances and Regulations of the said College as provide for the Government of the said College, as a University, or as pertain to, or provide for the exercise of such functions, powers, or privileges, or any of them, or the appointment, or election, of any such Officers, and all such other Provisions, Statutes, Rules, Ordinances, or Regulations, as are, in any way repugnant to, or inconsistent with, this Act from henceforth, shall be, and the same hereby are, repealed and annulled, to all intents and purposes whatsoever, anything in the said Act of Parliament, or in the said Charter, or in any other Charter, Grant, or other Instrument to the contrary thereof, in anywise notwithstanding.

*LXXXIV. And be it enacted*, That, instead of the name mentioned in the said Act of Parliament, or that mentioned in the said Charter, the Corporate name of the said College shall be, "The Principal, Masters and Scholars of Queen's College, in the University of Toronto." Designations of the College.

#### H. PROVISIONS IN REGARD TO VICTORIA COLLEGE, COBOURG.

*LXXXV. And be it enacted*, That, so much of the Third Section of an Act of the Parliament of this Province, passed in the Fourth and Fifth Years of the Reign of Her Majesty Queen Victoria, numbered Chapter Thirty-Seven, and intituled : "An Act to incorporate Upper Canada Academy, under the name and style of Victoria College," as gives a power of conferring Degrees in the several Arts and Faculties, and all such parts of the Charter granted to the said College, under the name of the "Upper Canada Academy," or under any other name whatsoever, as make any the like provisions, or give any the like directions as the said recited part of the said Section of the said Act of Parliament, and all such other parts of the said Act, and of the said Charter, as give to such College the function, or grant to, or confer upon it, the powers, or privileges of an University, or as recognize, or provide for, the appointment of University Officers, together with all such Statutes, Rules, Ordinances and Regulations of the said College, as provide for the Government of the said College, as an University, or as pertain to, or provide for, the exercise of such functions, powers, or privileges, or the appointment, or election, of any such Officers, and all such other Provisions, Statutes, Rules, Ordinances, or Regulations, as are, in any way, repugnant to, or inconsistent with, this Act, from henceforth shall be, and the same hereby are repealed and annulled to all intents and purposes whatsoever, anything in the said Act of Parliament, or the said Charter, or any other Charter, Grant or other instrument, to the contrary thereof in anywise notwithstanding. 4 and 5 Vic. Chap. 37, Sec. 3 repealed.

Also part of Charter

and Rules, &c.

*LXXXVI. And be it enacted*, That instead of the name mentioned in the said Act of Parliament, or that mentioned in the said Charter, the corporate name of the said College shall be : "The Principal, Masters and Scholars of Victoria College in the University of Toronto." Designation of the College

#### I. GENERAL MISCELLANEOUS PROVISIONS.

*LXXXVII. And be it enacted*, That the powers of making Statutes, By-laws and Ordinances conferred by Charter, or Act of Parliament, or by both upon any of the said Colleges, shall be subject to this further restriction besides those contained in such Charter, or Act of Parliament, that is to say, that the same be not repugnant to or inconsistent with this Act or the Statutes of the said University. Restriction on power of making By-laws.

*LXXXVIII. And be it enacted*, That it shall not be lawful for the said University, nor for any of the said Colleges by this Act, or otherwise incorporated with the said University or hereafter to be established, in or incorporated with the said University under the provisions herein contained, to issue or authorize the issue of any Bill, or Note, intended to pass into circulation as money, or in any other way to act as Bankers, or to authorize any person, or persons, whomsoever to act as such in their behalf. Colleges shall not act as Bankers.

*LXXXIX. And be it enacted*, That all debts due to either of the said Colleges of Regiopolis College, Queen's College, or Victoria College, and all Judgments, recognizances, bonds, covenants, and other instruments, or contracts, suffered, acknowledged, or given to, or made with, any of the said Colleges, respectively, or to, or with, any other person, or persons, bodies corporate, or politic, for, or on Legal obligations of Colleges.

behalf of, or in trust for, any of such Colleges, by whatever name, or names soever, the said Colleges may be called in the same, shall be available, stand and continue of good purport, and full force and strength, to the said Colleges respectively, as if the said Colleges had been therein named by the respective corporate names being given to them respectively, and it shall be, and may be, lawful for such Colleges, by the corporate names hereby given to them respectively, to proceed upon the same by execution, or otherwise, and recover thereon, as if the same had been suffered, acknowledged, or given to, or made with, them by the said corporate names, so given to them, as aforesaid respectively.

Debts of the Colleges.

*XC. And be it enacted*, That the several Colleges of Regiopolis College, Queen's College and Victoria College respectively, by and under their respective corporate names, shall, both in law and equity, be liable to all the debts contracted, and engagements entered into by those Colleges respectively, or any person, or persons, duly authorized on their behalf, and may be sued upon and recovered against for the same, as if the same had been contracted, or entered into, by them, by the respective corporate names hereby given to such Colleges respectively.

Certain rights continued.

*XCI. And be it enacted*, That all the rights, powers and privileges of the said Colleges of King's College, Regiopolis College, Queen's College and Victoria College, not taken away by this Act, shall be and the same are hereby ratified, established and confirmed unto the said Colleges respectively forever.

**J. TEMPORARY PROVISION, FOR THE ADVANTAGE OF THE UNIVERSITY AND ITS COLLEGES RESPECTIVELY, AND FOR THE PROTECTION OF INDIVIDUALS HERETOFORE APPOINTED TO PROFESSORSHIPS.**

Commission to enquire into fiscal affairs.

*XCII. And be it enacted*, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, for the time being, if he shall think it expedient so to do, to appoint, at any time within three years, after the passing of this Act, any three Commissioners, and to renew such Commission, from time to time, within the said three years, as occasion may require, to examine into all the accounts and other Fiscal Affairs of the said University, and of the said Royal Collegiate High School, and into all matters in any way connected with the same, and to report to him thereon; And, in the event of the said Commissioners, or the majority of them, disapproving of the system upon which such accounts have heretofore been kept, to frame and report a new system for the keeping of such accounts, which system, so reported, if approved by the Governor, Lieutenant Governor, or Person Administering the Government of the Province, for the time being, shall be adopted and used by the Bursar of the said University in keeping such accounts, until otherwise directed by a Statute of the said University; and each of such Commissioners, on the making their final report, shall be entitled to such allowance out of the Investment Fund of the said University, as the Governor, Lieutenant Governor, or Person Administering the Government of the Province, for the time being, shall, by Warrant, under his Hand and Seal, think fit to appoint, and which amounts respectively shall be paid by the Bursar of the said University, out of such funds, in obedience to any such Warrants respectively.

System of accounts.

Remuneration of Commissioners.

Powers of the Commissioners.

*XCIII. And be it enacted*, That the Commissioners, for the time being, to be appointed under the authority of the last preceding Section of this Act, or a majority of them, shall have power, by summons, or otherwise, to require, from time to time, the attendance before them at any time and place which they, or a majority of them may appoint all and every of the said Officers and Servants of the said University, and of the said Royal Collegiate High School, and of all such persons as have heretofore been Members of the College Council of King's College aforesaid, or have been, in any way, concerned in the management of the said College of King's College, or the said Collegiate High School, or who shall hereafter be Members of the Caput of the said University, or of the Council of the said Collegiate High School, or be, in any way, concerned in the management of either; and also to require, from time to time, from such persons respectively, the production to them, the said Commissioners, for the purposes of such examination, of all books, accounts, documents and other papers, of what nature, or kind, soever, touching, or in any way, relating to the premises, and which shall be in the custody, or power, of any such Officer, or other Person.

*XCIV. And be it enacted*, That no further proceeding shall be had in the erection of the Buildings for the permanent accommodation of the said University, other than the one now erected and covered in, until the authorities of the said University shall have submitted the Plans, Elevations and Estimates for such Buildings, and every thing connected with the same, to the Board of Works of this Province, and such Board shall have made a report thereon to His Excellency the Governor General, and that, in any Statute of the said University, appropriating the whole, or any portion of the principal of the present invested monied property, or the whole, or any portion, of the principal of the proceeds of sales of any part of the present landed property of the said University, for the purpose of completing the erection of the remainder of such Buildings, express provision shall be made, that the Plans and Elevations for the same shall be approved by the said Board of Works, and the money so appropriated, expended under the direction and control of that Board ; and, upon the passing of any such Statute, the said Board of Works shall take charge of the expenditure of such money, and of the erection of such Buildings, in the same manner as of other Public Works of this Province, and, in default of any such Statute of the said University, containing such a provision, the same and every part thereof shall be utterly null and void to all intents and purposes whatsoever.

University Building to be under the Board of Works.

*XCV. And Whereas*, The said College of King's College, being, by its Charter, exclusively under the management and control of Members of the Protestant Episcopal Church in Upper Canada, in connection with the United Church of England and Ireland ; and the said College of Queen's College, by its Charter, principally under that of the Presbyterian Church in Upper Canada, in connection with the Church of Scotland ; the said College of Regiopolis, under that of the Roman Catholic Church in Upper Canada ; and the said College of Victoria College, under that of the Wesleyan Methodist Church in Upper Canada ; the means and energies of these Colleges respectively, will, in a great measure, be directed to the education of such Members of those Religious Bodies respectively, as may be intended for the Ministry in such Bodies ; And it is, therefore, both just and expedient, that the means for the maintenance and support of the said Colleges respectively, should be derived from such funds as are more particularly applicable to the propagation of religious knowledge through the instrumentality of such Religious Bodies respectively ; And, Whereas, by the Act of the Imperial Parliament of the Third and Fourth Years of the Reign of Her Majesty Queen Victoria, numbered Chapter Seventy-Eight and intituled : "An Act to provide for the sale of the Clergy "Reserves in the Province of Canada, and for the distribution of the proceeds "thereof," certain funds are set apart for the propagation of such religious knowledge ; And Whereas, steps have been, or are about to be taken, to procure the application of a portion of such funds for the maintenance and support of such Colleges, but, it is expedient to make temporary provision for the same out of the funds of the said University, so as to afford time for the completion of the contemplated arrangements, or for providing some other source for the maintenance and support of the same :

Annual grants of £500 to each of the Colleges named for a term of four years.

*Be it therefore enacted*, by the authority aforesaid, That the sum of Five Hundred pounds, (£500,) of lawful money of Canada, shall be annually paid by the Chancellor, Masters and Scholars of the said University, out of the Investment Fund of the said University, to the authorities of each of the said Colleges respectively, in four quarterly payments of One Hundred and Twenty-Five pounds, (£125,) each, for the four Fiscal years of the said University next after the passing of this Act.

*XCVI. And Whereas*, the said Royal Collegiate High School has, for many years, under the name of Upper Canada College, been in the receipt of an annual Parliamentary Grant ; and has notwithstanding such aid, become indebted, in a considerable amount to the said University of Toronto, for monies advanced by the latter for the maintenance and support of the former ; and Whereas, the payment of such debt, contracted under the management of the University authorities is beyond the means of the said Collegiate High School, and it would be injurious to the interests of both the University and High School as an appendage of the said University, suddenly to withdraw the whole of the support to which the said High School has been accustomed to look, and it is, therefore, expedient to relieve the said High School from the said debt, and to afford it, for a limited period, some additional support out of the funds of the said University, similar to that afforded by the last preceding Section of this Act, to the four Colleges of King's College, Queen's College, Regiopolis College and Victoria College :

Present debt of Upper Canada College cancelled.



*Be it therefore enacted*, That whatever sum, or sums, of money shall, or may, be now due from the said Royal Collegiate High School, under the name of Upper Canada College, or under any other name, to the said University of Toronto, under the name of King's College, or under any other name whatsoever, shall be, and the same is hereby forever cancelled and discharged.

£500 granted  
to Upper  
Canada Col-  
lege for four  
years.

*XCVII. And be it further enacted*, That the sum of Five Hundred pounds, (£500,) of lawful money of Canada, shall be annually accounted for and paid by the Chancellor, Masters and Scholars of the University of Toronto, out of the Investment Fund of the said University, to the Principal, Tutors and Scholars of the Royal Collegiate High School of the said University, in four quarterly payments of One Hundred and Twenty-Five pounds, (£ 25,) each, for the four Fiscal years of the said University next after the passing of this Act.

Arrangements  
as to present  
Professors.

*XCVIII. And be it enacted*, That, for the period of twelve calendar months, next after the passing of this Act, and for such further time thereafter, as the Chancellor of the said University, for the time being, shall, from time to time, by Warrant, under his Hand and Seal, to be issued from time to time, prior to the termination of such current period of limitation, in his discretion, think fit to limit, or appoint, the several persons heretofore appointed, either regularly and formally, or otherwise, to any Professorships, or supposed Professorships, in King's College, whether such Professorships existed in the forms, or by the designation in, or by, the Warrants or Instruments appointing then respectively mentioned, or not, shall be deemed and taken to be Professors of the said University of Toronto, by virtue of such Warrants, or appointments, and Members of the Caput of the said University, after the expiration of which Twelve Months, or such further period, as may, for that purpose, be limited, as aforesaid, all such Warrants and appointments shall become void, and of none effect, to all intents and purposes whatsoever.

Compensation  
to Professors,  
*ad interim*.

*XCIX. And be it enacted*, That each of such Persons shall be entitled out of the said University Investment Fund, to an allowance after the rate of One Hundred pounds, (£100,) per annum, from the date of his first original appointment to any such Professorship in King's College, until he shall be appointed to, or confirmed, in a Professorship in the said University, or in some College thereof, to which a salary shall be regularly attached, or, until he shall have been offered a new Professorship, or to be confirmed in the Professorship now held by him, and shall have declined to accept such new Professorship, or to be confirmed in the one so held by him, as aforesaid.

Adjustment  
of Salaries of  
Professors

*C. And be it enacted*, That, upon any of such Person being appointed to any such new Professorship, or confirmed in any Professorship now held by him, as aforesaid, such Person, if he shall have continued to have performed the duties required of him by the Statutes of King's College and of the said University, from the time of his first original appointment to such Professorship in King's College, as aforesaid, to the time of his appointment to such new Professorship, or confirmation in the one so held by him, as aforesaid, shall be entitled to receive out of the Investment Fund of the said University, such sum of money as shall be equivalent to the salary attached to the Professorship to which he shall be appointed, or in which he shall be confirmed, as aforesaid,—reckoned from the time of his first original appointment to such Professorship in King's College, as aforesaid, after deducting from such amount whatever sums shall have been paid to such Person under the authority of the Ninety-Eighth Section of this Act, which amount, so to be paid to such Person, shall be in full satisfaction of his services to the said College and University, to the time of his appointment to, or confirmation, in such last mentioned Professorship.

Chancellor to  
adjust Mone-  
y allow-  
ances.

*CI. And Whereas*, certain of such Persons were, by His Excellency the late lamented Sir Charles Bagot, as Chancellor of the said University, induced to give up certain preferments, or other pursuits, or employments in England, in which they were then engaged, and from which they were deriving their support, for the purpose of accepting certain Professorships in the said University, under an assurance that the emoluments of such Professorships would, at the least, be equal to certain specified amounts respectively, and it is, therefore, expedient to make special provision to protect such persons from pecuniary loss.

*Be it therefore enacted* by the authority aforesaid, That, in the event of any of such Persons, having been appointed to any Professorship, or other employment in the said University, in the said Royal Collegiate High School thereof, or in any College of the said University, or being hereafter appointed to any permanent Pro-

fessorship, or other employment in the said University, in the said Collegiate High School, or in any such College, the salary and emoluments whereof, together with all other fees and emoluments which he shall or may derive, by virtue, either of such Professorship, or employment, or of any other office, or employment in the said University, in the said High School, or in any of the Colleges of the said University, shall fall short of the amount so assured to such Person, it shall and may be lawful for the Chancellor of the said University, for the time being, from time to time, so long and as often as such salary and emoluments shall so fall short of such amount, as aforesaid, to make good to such Person out of the said Funds of the said University, the amount of such deficiency, by annually granting to such Person his Warrant on the Bursar of the said University, payable out of the Investment Fund thereof, for the amount of such deficiency, and every such Warrant, the said Bursar is hereby authorized and required to pay and discharge out of the monies at the credit of such fund: Provided always, nevertheless—1. Firstly, that no Person shall be entitled to the benefit of the provision made by this Section unless by an Instrument under the Hand and Seal of the Chancellor of the University, for the time being, such Person shall within six calendar months after the passing of this Act, be declared entitled to the benefit thereof: And provided always, also—2. Secondly, that no such Instrument shall be valid, for the purpose intended, unless it shall contain a full statement, by way of recital, of the circumstances under which such Person was induced to give up such preferment, pursuit, or employment, and which, in the Judgment of the said Chancellor, shall entitle such Person to the benefit of the same: And provided always also—3. Thirdly, and lastly, that no such Warrant for the payment of any such deficiency shall be issued by any such Chancellor, except upon its appearing to his satisfaction, either by a Certificate of the Bursar, or otherwise, as such Chancellor may, from time to time; require what the whole amount of the said salary and emoluments of such Person has been for the year, for the deficiency in which such Warrant shall be issued, and such amount, as well as that thereby required to be paid, being set forth in every such warrant.

#### K. COMMON CONCLUSION.

*CIII. And be it enacted*, That this Act shall be deemed and taken to be a Public Act, and shall be Judicially taken notice of, as such, by all Judges, Justices and others, without being specially pleaded, and that the same may be amended, or repealed, by any Act to be passed in this present Session of Parliament.

## CHAPTER XII.

### SIR FRANCIS HINCKS ON THE BALDWIN UNIVERSITY BILL OF 1843.

Sir Francis Hincks was a Member of the Executive Government in 1843, when the noted University Bill of that year was introduced into the House of Assembly by the Honourable Robert Baldwin, Attorney-General for Upper Canada. No one was, therefore, more competent to speak of the scope, object and character of that important Measure than was Sir Francis. In the "Reminiscences of His Public Life," published in 1884, he quotes from a Speech, which he delivered in Toronto, in the latter part of 1843, and in which he discussed the University question of 1843 at length. In that Speech, he takes an historical survey of the whole question, from the granting of the Royal Charter, in 1827, until the introduction of the Baldwin University Bill of 1843. He gives examples of the proceedings of the Canadian Legislature on the subject, of the action of the Imperial Government in the matter, and criticises, with some severity, the

action of the King's College Council in opposing the Baldwin Bill. Altogether the Speech of Sir Francis is a valuable contribution to the history of the University Question in Upper Canada. In his Speech, (which I have greatly abridged), Sir Francis said :—

The most important Measure introduced during the Second Parliament was that for the settling of the long disputed University question.

The Conservatives, who adhered to the policy of Bishop Strachan, were unwilling to consent to any deviation whatever from the original Charter of King's College, under which the amount of Public Lands, intended to provide for Education for the whole people, had been diverted to the maintenance of King's College University, as a sectarian college. . . . It seems to me that it cannot be uninteresting to the present generation to learn the early history of the University of Toronto and I shall, therefore, lay before my readers some extracts from a speech which I delivered at a public dinner given to Sir Charles Metcalfe's Ex-Ministers, in Toronto, soon after their resignation [on the 27th of November] at the latter end of 1843. I should certainly not write now [in 1884] as harshly of the First Bishop of Toronto [Doctor Strachan] as I then spoke . . . and I can scarcely believe that, in the present day, the most zealous friends of the Church of England can have any doubt but that her true interests were promoted by the Measures which were then successfully advocated by the friends of religious equality.

In replying to a toast, at the Public Dinner in Toronto, in the latter part of 1843, to which Sir Francis Hincks refers, he said :—

In approaching the subject of the University of King's College, I feel that I have an arduous task before me. It, however, appears to me, to be highly important that the public should be put in possession of all the circumstances connected with the establishment of that Institution, and I shall therefore avail myself of the present opportunity to make a plain statement of facts, which cannot be without its effect.

You must recollect that it is now about seventeen years since the Charter of King's College was originally granted [in 1827], and that many who now listen to me were then children. Many more have since come into the Province, and have never, perhaps had an opportunity of learning the truth. Here I cannot refrain from alluding to the Petition from the Bishop of Toronto, presented to the House of Assembly.\* The position taken by the Bishop of Toronto in that Petition was, that the endowment of King's College belongs of right to the Church of England. I shall just read an extract, or two, from the Bishop's Petition. The Bishop says :—

It may be sufficient to remark, that the adoption of the Bill will be to destroy a noble Institution, which, if left unmolested, would, in a short time, shed a lustre over the whole Province; and this is being done without the slightest necessity, since it is quite competent for the Legislature to grant separate endowments to such Christian Denominations as it may delight to honour, without trenching on the rights of the Church of England, or the integrity of the University of King's College.

In the reign of King George the Third, a number Townships were set apart as an endowment for Grammar Schools. The quantity of Land so set apart was computed at 649,117 acres, but it turned out to be only 467,675. This Land was set apart for the Education of the whole people, without reference to their religious opinions. Had the endowment been honestly applied, instead of having a Grammar School in each District, we should, by this time, have had one at least in each Township. Most shamefully, however, was this endowment, which ought to have been held sacred, diverted from the object to which it was devoted, by its Royal Founder. I have said that the munificent endowment of Land intended for the support of Grammar Schools was diverted from its original purpose, I shall tell you in what manner: 170,719 acres, of a superior quality, was granted to individuals; 225,946 acres were set apart for a University; 66,000 for Upper Canada College; and 19,282 were given to Surveyors. In exchange for the valuable Land thus granted to individuals, a larger quantity was set apart in some of the back Townships, which, however, will for many years to come, be unsaleable.

In the year 1827, the Bishop of Toronto, then Archdeacon of York, applied for a Royal Charter for a University and that Charter was granted.† You will observe, that the endowment of a Sectarian University with the School Lands which had previously been set apart for the education of the whole population, was a violation of faith. The complaint on the part of the people was of a two-fold character :—

1st. The diversion of the Grammar Schools endowment to the purposes of a University, however, might have been submitted to. But,

\*A copy of that Petition will be found on pages 27-31 of this Volume.

†See page 222 of the First Volume of this Documentary History.



2nd. And chiefly, the endowment with the public Lands of a sectarian College could not be endured patiently ;—accordingly it will be found that the Representatives of the people lost no time in adopting constitutional measures to recover this property. During the Session of Parliament in 1829, strong Resolutions were adopted on the subject of the Charter of the University, only one of which it is necessary for me to read to you, as it contains the pith of the whole :—

*Resolved, "That whatever in the said Charter in any degree gives a sectarian character to the said University ought to be wholly done away."\**

This Resolution was adopted by a Reform Parliament, being the Tenth Parliament of Upper Canada. A Tory Parliament succeeded that one : (the 11th). A Select Committee of that Parliament was appointed on Education, of which Mr Mahlon Burrell, Member for the County of Middlesex, was Chairman. The following extract from his Report ought, therefore, to be very satisfactory evidence in our favour, showing as it does how strong was the public opinion of the Country. The Report said :—

In considering the necessary changes in the Charter, the attention of your Committee was drawn to certain Resolutions adopted by your Honourable House in March, 1829, comprising such alterations in the King's College Charter as appeared requisite for perfecting the Institution and rendering it, perhaps, the most efficient Seminary on this Continent.

Your Committee feel great satisfaction in stating that, after mature deliberation, they have come to the determination to recommend the same changes to the adoption of your Honourable House, with such slight variations as are requisite to secure certain great and permanent advantages. *Report on Education, adopted by the House of Assembly on the 20th of November, 1832.†*

But I should say that this Tory Parliament did not stop here ; they took up the subject with the greatest energy, and with a determination to succeed. I cannot, of course, on an occasion like this, pretend even to allude to the voluminous Documents on this important subject ; but I shall endeavour to bring the most important of them under your notice and consideration. Among them is an Address to the King which was adopted by the House of Assembly on the 28th of December, 1831, as follows :—

We, Your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament Assembled, most humbly beg leave to submit to Your Majesty that, while we fully appreciate the gracious intention of our late revered Sovereign to promote education by granting a Royal Charter for the establishment of an University in this Province, we feel it incumbent upon us to represent that, as the great majority of your Majesty's subjects in this Province are not Members of the Church of England, it is a matter of regret that the Charter contains provisions which are calculated to exclude from its principal offices and honours all who do not belong to that Church.

In consequence of these provisions, the benefits of the Institution will be confined to a few individuals of one Religious Denomination, while others of Your Majesty's subjects, equally loyal and deserving, will be excluded from participating in advantages which should be open to all. Its influence, as a Seminary of learning, on this account must be limited, and will be looked upon with jealousy by a large majority of the inhabitants of this Province ; we therefore humbly pray that your Majesty will be graciously pleased to cause the Charter of King's College to be cancelled, and to grant another, free from the objections to which our duty to the people of this Province has induced us to advert.‡

I shall now state the names of the members who voted for and against this address. The Yeas were : Messieurs W. Berczy, W. Buell, Jr., M. S. Bidwell, J. Campbell, W. Chisholm, J. Clark, C. Duncombe, W. Elliott, M. H. Howard, H. Jones, J. Ketchum, L. Lewis, J. Lyons, D. McColl, D. McDonald, A. McMartin, J. B. Mason, W. Morris, R. Mount, H. Norton, P. Perry, S. Randal, J. P. Roblin, J. H. Sampson, A. Shade, P. Shaver, H. C. Thomson, J. Warren, A. Werden—29. Nays, Attorney General Boulton, J. Brown, A. Fraser, A. N. Macnab, W. B. Robinson, Solicitor General Hagerman, P. Vankoughnet. On this division I would remark that, out of the majority of twenty-nine, sixteen were Tories. When Sir John Colborne was requested to transmit to the King the Address, he made the following answer, the importance of which, in the present controversy, you will, I think, readily admit :—

Gentlemen, I will forward this address to the King immediately. It may, however, be satisfactory to you to receive the information, that I have reason to believe that either the exclusive provisions considered exceptionable in the Charter of King's College have been cancelled, or that such arrangements have been decided on by His Majesty's Government as will render further application on this subject unnecessary. A Charter, solemnly given, cannot be revoked without much delay and circumspection ; but His Majesty's Ministers have long directed their attention to the great advantages which the Province will derive from an University being established on principles that may be approved of by every good and enlightened person.§

\*A series of Resolutions on this subject, of which the one quoted was the Eleventh, was adopted by the House of Assembly on the 20th of March, 1829. (Page 275 of the First Volume of this Documentary History.)

†Page 77 of the Second Volume of this Documentary History.

§Ibid, page 53.

‡Page 52 of the Second Volume of this Documentary History.

After mature deliberation, the Colonial Minister of the Crown in England (Lord Goderich) advised His Majesty to refer the question to the decision of the Local Legislature, so that the wishes of the people might be fully carried out. Before calling your attention to the action of Parliament, in consequence of this reference, I will read to you a very important extract bearing on the subject, from the celebrated Despatch of Lord Goderich to Sir John Colborne, (dated the 8th November, 1832,) in answer to the Petitions complaining of certain grievances, (this amongst others,) transmitted to England by Mr. W. L. Mackenzie. Mr. Mackenzie had made it a subject of complaint, that the University of King's College was entitled to send a Member to the Provincial Parliament. Lord Goderich defends the right of the University to enjoy the franchise; but, I ask you to mark the language in which he expresses himself. Nothing can be stronger:—

You will observe that I do not here refer to a University constituted in the manner proposed by the original Charter of Incorporation. Every man in Canada, however, knows, nor could Mr. Mackenzie have been ignorant, that, so far from any anxiety having been felt by the King's Government to maintain that Charter against the wishes of the great majority of the people, every possible measure has been taken to refer to their Representatives the decision of the question, in what form, and upon what principles, the College should be founded.\*

This, you will see, is the language of the responsible Minister of the Crown on this subject. The Representatives of the people, when thus called upon by their Sovereign, declared their wishes in a Bill to amend the original Charter of the University, which passed the Assembly in 1835, by a majority of thirty-three to five.† I will read an extract, or two, from the provisions of that Bill, to show you what were its leading principles:—

That no religious test, or qualification, whatever shall be required of any Chancellor, President, Professor, Tutor, Lecturer, Scholar, or other Person, being a candidate for any situation, or honour, in the said College.

That from and after the passing of this Act there shall not, at any time be, or be allowed to be, within the said College, any public Professor, Lecturer, or Teacher of Doctrinal Divinity, according to the articles of faith professed by the United Church of England and Ireland, or according to the Creed, or Faith, of any other Christian, or other Religious Church whatever, anything in the said Charter to the contrary in any way notwithstanding.

You will thus observe that this Bill went much further than that of my learned Friend, Mr. Robert Baldwin, which has been so loudly denounced, inasmuch as it entirely prohibited the teaching of doctrinal Divinity in connection with the University. The Bill of my learned Friend, Mr. Baldwin, has been objected to by some of the Clergymen of the Church of Scotland, on account of the alteration in the test provision, but, in the Charter amendment Bill of 1837, there was to be no test whatever. I will now inform you who supported this King's College Amendment Bill of 1835. Of the majority of thirty-three members, there were nine Tories, videlicet: Messieurs Brown, Caldwell, McCrea, McDonnell (Glengary), McKay, Malloch, Morris and Walsh; of these, three were Members of the Church of Scotland, and two, Messieurs William Morris and Thomas MacKay, both now in the Legislative Council, were amongst the most influential lay Members of that Church. How unjust, then, to complain of my learned Friend Mr. Baldwin's Bill, when it actually does not go so far as that sanctioned in 1835 by the almost unanimous vote of the House of Assembly.

It is due to the King's Ministers to state that they listened to the complaints of the House of Assembly, that they sent out a Governor to redress our grievances. Sir Francis Head arrived in Canada, and laid his instructions, (dated the 5th of December, 1835), before Parliament; and let me most particularly call your attention to that part of them relating to the subject under consideration, which I shall now read, as follows:

On the subject of King's College, an unfortunate difference of opinion exists between the Legislative Council and the House of Assembly, which each of these Bodies concurs in pronouncing incurable.

His Majesty commands me to tender, through you, his mediation on the subject. With the previous assent of both Houses, the King will cheerfully resume the consideration of the question, in what manner a Charter could most conveniently be prepared, so as to promote the interests of Science and Literature and the study of Theology and Moral Philosophy, with a due regard to the opinions which seem to prevail in the Province respecting the proper constitution and objects of an University.

But, after having distinctly referred to the Local Legislature the duty of giving effect to their own wishes on the subject, in the form of an Act of General Assembly, His Majesty cannot, at the instance of one only of the two Houses, withdraw it from their cognizance.‡

Recollect that this Despatch was written by Lord Glenelg, Colonial Secretary, when the King's College Bill of 1835, was before him, as the Secretary of State. Does he say that the principle of the Bill could not be acceded to? Does he insist on a test? No; he adverts to "an unfortu-

\* *Ibid*, page 112. †Page 181 of the Second Volume of this Documentary History.

‡Page 282 of the Second Volume of this Documentary History.

nate difference of opinion between the Legislative Council and the House of Assembly," as the only obstacle in the way; an obstacle that never would have existed under a system of Responsible Government.

I feel that those who hear me are satisfied that I have fully made out my case, and that, instead of our being the aggressors, seeking to despoil the Church of England of her property, we are but endeavoring to wrest from the grasp of that Church an endowment which really belongs to all of Her Majesty's Canadian subjects, without distinction of origin, or creed, but of which they have been despoiled in a manner that reflects great disgrace on all the parties concerned in the affair.

It may be proper here to advert to the Act of the Provincial Parliament, amending the original Charter of 1827, and which was passed in the year 1837. Although the Parliament of 1837 did not, in my judgment, truly represent public opinion, yet no one who reads the Act of that year, to which I have alluded, can doubt that it was intended to remove the evils of which we complain, unless, indeed, it was a mere delusion. The spirit of its provisions are liberal, but how is it in practice? Is there not a Professor of Theology for the Church of England alone, and is not the same Individual the Professor of Moral Philosophy?

I cannot dismiss this most important subject without adverting to the manner in which the magnificent endowment granted to the University and the Upper Canada College has been managed. The very name of King's College has become a by-word throughout the Province to represent the worst kind of jobbing. With regard to Upper Canada College, or I should rather say, the School, without alluding to the manner in which the tuition fees have been collected, or rather left uncollected, it is sufficient to observe that since its establishment upwards of Forty Thousand pounds (£40,000) of the principal of the endowment of the University has been improvidently squandered. I care not how many Masters they employ, or at what salaries, or at what rate they fix their tuition fees, so long as they keep within the means furnished by their endowment; but I confess it excites my indignation when I see, year after year, in defiance of all remonstrance, the funds of the University—intended for education of the whole people—squandered away. Already a sum has been expended out of the principal of the endowment, which, had it been invested, would have yielded an income of Twenty-Five Thousand pounds (£25,000 per annum. Twenty-five additional District Schools might have been founded with these means. (*Reminiscences of His Public Life, by Sir Francis Hincks, pages 174-184: 1884.*)

## CHAPTER XIII.

### MISCELLANEOUS PAPERS RELATING TO VICTORIA AND QUEEN'S COLLEGES, 1842-43.

#### RETURN TO THE GOVERNMENT FROM VICTORIA COLLEGE IN 1842, 3.

In the latter end of December, 1842, the Reverend Doctor Ryerson, Principal of Victoria College, received the following letter from Mr. James Hopkirk, Assistant Provincial Secretary, West:—

I have the honour, by command of the Governor General, to acquaint you that the Government, being desirous of obtaining certain information for the House of Assembly, as to the number of scholars attending each Educational Institution, or School, throughout Western Canada, (receiving aid from Government,) together with certain other particulars connected therewith. His Excellency has directed forms of returns to be prepared, specifying the particular information required, one of which I have the honour to enclose, and am to request you to return it to me with those particulars filled up, as far as applicable to the Victoria College, and signed by yourself.

JAMES HOPKIRK, Assistant Secretary.

SECRETARY'S OFFICE, KINGSTON, 20th of December, 1842.



To this Letter, Doctor Ryerson replied as follows:—

In compliance with the directions contained in your letter of the 20th of December, I have the honour to enclose herewith the Return of the state of Victoria College about the 31st of December, 1842 \*

I beg to add to the accompanying Return of the College a few explanatory observations:—

1. It will be seen, that, notwithstanding the depressed state of the money market, the actual attendance of Students exceeds ninety,—as large a number as could be secured to the Upper Canada College during several of the first years of its existence.

2. It will also be seen that, although Instructors are employed at an annual expense of only £285; and, although the same, (perhaps too rigid,) economy is observed in every other department of expenditure, the actual receipts of the College fall far short of its expenditure. This arises from two causes:

1. The moderate charges to Students, a reduction which has been found necessary to prevent many Canadian youths from going to the United States to obtain their education.

2. The impossibility, (in the present financial state of the Country,) of collecting much that is due to the College. We are compelled either to turn away boys and young men, whose parents are in creditable circumstances as to property, or allow them some time to make payment.

The great majority of the students attending the College belong to the agricultural portion of the community; and it is among that class that the financial pressure of the country is most severely felt. The same causes which have prevented prompt payments to the College during the past year, have prevented the attendance of a number of youths, for whose attendance preparations had been made. In the meanwhile, as the College is almost entirely depending upon current payments to meet its current expense, these circumstances have most painfully embarrassed the Treasurer. These embarrassments are the more painful and even distressing, from the facts that the receipts of all that is due the College would not yield an amount quite sufficient to meet its expenditure, even upon its present limited and economical scale of operations, and that it is both difficult and burdensome to procure accommodation from the Banks. A Literary Institution ought not to be reduced to such an extremity.

3. By the accompanying Return, it will furthermore be seen, that there is no Teacher of the French, or German, Languages in the College. This deficiency is a great disadvantage to the Institution, and a serious loss to many of the pupils, who are desirous of studying,—especially the French language,—and the study of which, (independently of its being regarded as a valuable literary accomplishment,) is, I think, very important to all Canadian youth who are likely to take a part in the public affairs of United Canada. But, without additional Legislative aid, we are precluded from the advantage and privilege of employing any additional Professors, or Teachers. Nor are we able to finish two unfinished apartments, the one designed for the Preparatory School, and the other for Lectures in Chemistry, Natural Philosophy, etcetera, although the expense would not exceed One Hundred pounds, (£100). About the same amount would enable us to add to our present Philosophical Apparatus several instruments and articles, which are necessary in the illustration of Lectures in Chemistry and Natural Philosophy.

4. The Library of the College consists of about 500 volumes, nearly two hundred of which have been purchased by order of the Board, or bestowed by individuals; and upwards of 300 of which have been loaned out of my own private Library for the use of the Students and pupils. Access to a well selected Library, of even not more than from 1,000 to 2,000 volumes, would contribute much to elevate the standard of sentiment and feeling among young men, apart from the information it would furnish. But, at present, we have no means of making any considerable additions to the Library.

5. By the accompanying Return, (pursuant to the Act incorporating the Institution, as a College,) it will be observed, that the President of the Executive Council, the Speakers of the Legislative Council and House of Assembly, and the Law officers of the Crown for Canada West, are Members of the College Board and Senate, and, as such, according to the Charter, have the right of inspection into all the affairs of the College at all times, and a voice in every thing affecting its Officers, Government and operations. The performance of this part of their duty, by the Officers of the Government and Legislature concerned, (while it will confer important

\* Having applied to the Department of the Secretary of State, at Ottawa, for a copy of this Return, and of others sent to the Provincial Secretary, in reply to his circular of the 20th of December, 1842, on the subject, I received the following reply from the Department, dated the 26th of July, 1897:—It appears from the Records of this Department that the Circular Letter of the 20th of December, 1842, was addressed to the Reverend Doctor McCaul, the Reverend E. Ryerson, the Reverend Doctor Liddell; to Mr. Joseph Spragge, (Central School Toronto,) and to the Masters of the District Grammar Schools. . . There is no record in the Department of any answers to this Circular Letter being received.

benefits upon the Institution,) will, I am persuaded, satisfy them that the operations of Victoria College are not less important to the Agricultural and Commercial community of Western Canada than those of the Upper Canada College have heretofore been to the Professions.

6. The accompanying Return shews that several young men have gone forth from this Institution as Common School Teachers, and that others are qualifying themselves for that important employment. I would not wish it to be understood that all who have gone out as School Teachers are fully qualified; some have been compelled by their necessitous circumstances, to seek that employment, before they had completed the prescribed course of study. In such cases, they have received Certificates, stating the studies which they had pursued, their proficiency and character, without any testimonials as to their general qualifications. Others, however, have gone forth well qualified as Common School Teachers; and have, in every instance, as far as I have learnt, given satisfaction to their employers. It is intended to form this description of Students into a Normal Class, with a special view of preparing them for School Teachers.

7. I beg most respectfully to submit the serious attention of the Government to the necessity and importance of increasing the aid which has heretofore been graciously granted to this Institution. The result of the experience and observation of officers and Trustees of Colleges and Academical Institutions in America, (of many of whom I have made inquiry,) appears to be that the average receipts for Board and Tuition will defray about one-half of the current expenses of such establishments; and, it is well known, that they are in general managed with the best economy; the other half must be obtained, either from Public Funds, or from endowments and by private subscriptions, collections, etcetera. Each of the Officers of this Institution employs six hours a day in actual instruction, besides visitorial duties. An additional Professor is greatly needed in Chemistry and Natural Philosophy, besides one in French and Modern Literature.

When it is recollected that large annual grants have been made by the Government to the Clergy of the Churches of England, Scotland and Rome, in which the Wesleyan Methodist Church has not participated; that this Institution is peculiarly adapted to the wants and wishes of a very large class of the community, incorporating as it does with the higher departments of learning, a thorough system of a Scientific, English and Commercial Education; that the Government and each Branch of the Legislature have a legal oversight of its operations; I trust the Government will feel it due to the Country and to the Wesleyan Methodist Church, to increase the aid heretofore granted to the Institution, to at least the sum of One Thousand pounds (£1,000), per annum.

I am persuaded that if any Member, or Members of the Government, will visit the Institution and enquire thoroughly into all its affairs and operations, they will be satisfied of the moderation and reasonableness, and importance of this request.

EGERTON RYERSON.

VICTORIA COLLEGE, COBOURG, February the 8th, 1843.

#### FIRST EXAMINATION AT VICTORIA COLLEGE IN 1843.

To the First Examination held at Victoria College in April, 1843,\* the Reverend Doctor Ryerson invited the Honourable Robert Baldwin, Attorney General, and the Honourable Robert Baldwin Sullivan, President of the Executive Council. The Gentlemen, not being able to attend, sent the following notes of apology, explanatory of the reason of their non-attendance:—

I thank you for your Letter, informing me of the time fixed for the annual Examinations of Victoria College; and feel much obliged for your kind invitation to partake of your domestic hospitality.

\* I was one of the Students who was at this Examination, and took part in it. I "declaimed," or "spoke" the piece on the "Educational Prospects of Canada," mentioned on page 95. In regard to this piece, the then Editor of *The Star*, published at Cobourg, Mr. Walter C. Crofton, (See page 156 of the Fourth Volume of this Documentary History,) said: As the Victoria College Building is a striking ornament to our Town, so do we hope that the instruction therein communicated may shed a blessing over this District and the Province at large. Some of the pieces of composition were admired very much. From the essay on "The Educational Prospects of Canada," by Mr. J. G. Hodgins, we extract one sentence as conveying our ideas most fully:—

"Instead of the aspiring young men of our Province being obliged to go into a foreign Country, which is in every inimical, and hostile to our revered institutions, we have Colleges and Seminaries of Learning in various parts of the Country, where instruction in the several departments of science, the arts, and literature is imparted; and where the spirit, and nature of our institutions, are not misrepresented and calumniated; but where they are explained and exhibited in their proper light, and true character. And who will deny, that this is not of infinite importance to those youth who intend to reside in the Country and who aspire to the various places of honour and profit to the Province?"

I assure you that nothing would give me greater pleasure than to avail myself of the former, and to accept of the latter,—were it in my power to do so, consistently with other duties.

I fully appreciate the advantage derived to youth by their becoming sensible of the interest taken in their advancement by the public at large, and particularly by those in authority ; and I feel deeply the duty imposed upon those occupying public situations not to omit, when it can be avoided, such opportunities of being instrumental for good. You will, therefore, readily believe that my not being able to be present on the occasion, is a source of much regret to myself ; for, I assure you, that there is nothing in which I would take a greater interest.

ROBERT BALDWIN.

KINGSTON, 7th of April, 1843.

The state of the communications with Cobourg, during this extraordinary season, will, I hope, be a sufficient excuse for my absence at your Examinations.

I assure you that I take a very deep interest in the Victoria College, and if I could have gone to the examination and returned in any reasonable time, I should have been present, and would have been most happy to accept the hospitality you kindly offer. I shall look with great interest to your report of the examination, which I have no doubt will show a success very much to the credit of the Directors of the Institution, in which almost every thing depends upon disinterested exertion, almost unaided by a public appropriation.

ROBERT B. SULLIVAN,

KINGSTON, April the 13th, 1843.

### THE EDUCATIONAL PROSPECTS OF CANADA, BY J. G. H., 1843.

As intimated by the Reverend Doctor Ryerson, on pages 210, 211 of the Fourth Volume of this Documentary History, it was likely that, had Lord Sydenham lived, he would likely have been appointed Superintendent of Education for Upper Canada, on the passage of the First Common School Act of 1841. Although the Reverend Robert Murray was appointed to that Office in May, 1842, yet Doctor Ryerson's appointment was the subject of conversation with Sir Charles Bagot and some Members of his Cabinet in 1842,\* and even after the appointment of Mr. Murray in that year.

I went to Cobourg in 1841, with a view to attend Victoria College. Early in 1843, Doctor Ryerson, in assigning themes, on which Students were to prepare peices for "declamation" at the annual examination, gave me the subject of "The Educational Prospects of Canada." In March of that year, I prepared it, and, at the Examination in April, 1843, spoke, or "declaimed" it. No doubt, that even then, Doctor Ryerson intended that, in the event of his being subsequently appointed Superintendent of Education, I would be selected by him, (as events proved,) as his Assistant. The following are the extracts which I now make from the essay, or paper, on the "Educational Prospects of Canada," which I prepared in March, 1843 :—

As it regards our future Prospects : The present is an auspicious era in the history of Canadian Education. Never did the future appear so bright, or cheering, as at present. . . . Our political horizon, which, a few years ago, was surcharged with dark and portentous clouds, is now tranquil and serene. The storm, which broke over our heads, has passed away, and left the atmosphere around us pure and healthy. . . .

Instead of the aspiring young men of our Province being obliged to go into a foreign Country, which is in every way inimical and hostile to our revered institutions, . . . . We have Colleges and Seminaries of Learning in various parts of the Country, where instruction in the several departments of science, the arts and literature, is imparted ; and where the spirit

\* See *The Story of My Life*, pages 342—347.



and nature of our institutions are not misrepresented and caluminated; but where they are explained and exhibited in their proper light and real character. And who will deny that this is not of infinite importance to those, who intend to reside in the Country, and who may aspire to the various places of honour and profit in the Province? . . .

During the last few years the cause of Education in this Province, under the auspices of Her Majesty and the Provincial Legislature, has advanced with rapid strides. About Fifty Thousand pounds, (£50,000,) a year has been appropriated for the maintenance and support of Common Schools within the Province. Numbers of these Schools have been put into operation, and numbers more are in course of organization: and every disposition has been shown by the Government to establish the interests of Education on a comprehensive and lasting foundation. . . .

Within the last two years, three Collegiate Institutions, and one, or two Theological Schools have been established . . . With such prospects as these before us, and with such powerful auxiliaries to assist us in our career, we must flourish; we will succeed. Let us then pursue that course of instruction in these Institutions which is the boast and glory of our own Fatherland; and let us not be in too great haste to adopt those new systems of our neighbours, which, as yet, have produced no such minds, as, having received a British education, founded the American Nation. Let us avail ourselves of those blessings, which we now enjoy; advantages . . . which, if properly improved, will elevate Canada to be the envy and admiration of . . . the less highly favoured Empires in Europe . . .

We would impress upon the Youth of our Country the inestimable advantages to be derived from attending more particularly to the culture of Letters in this Country. That nothing else will ever exalt Canada to that high position, which a bountiful Providence has furnished her with the means of attaining; and that by attending to it now, its effects will be the sooner felt . . .

Let the interests and advantages of Education in Canada be more efficiently brought before the Canadian Public, and there will yet go forth from these institutions of Science and Literature, hearts and intellects that will prove a blessing to our common Country, and an honour to that Empire of which we consider it to be our highest privilege to form a part and our greatest blessing to belong.

ADDRESS FROM VICTORIA COLLEGE TO SIR CHARLES METCALFE, IN APRIL, 1843.

On his assuming the office of Governor General of Canada, the Board of Trustees and Faculty of Victoria College sent to His Excellency the following congratulatory Address:—

MAY IT PLEASE YOUR EXCELLENCY: .

We, Her Majesty's dutiful and loyal subjects, the Board and Faculty of Victoria College, beg permission, most cordially, to congratulate your Excellency on your appointment as Her Majesty's Representative in British North America, and on your safe arrival at the seat of your Government, though deeply lamenting, as we do, at the same time, the protracted affliction which has clouded the domestic circle of your distinguished Predecessor, Sir Charles Bagot, and which has prematurely deprived Her Majesty and Her North American Colonies of His valuable Services.

Whilst the selection of Your Excellency, as Governor General of these Provinces, adds another to the many practical expressions of Her Majesty's concern for the happiness and welfare of Her Canadian Subjects, Your Excellency's past success, high reputation, and profound statesmanship in Colonial affairs, inspire us with the fullest confidence in the impartiality and benevolent character of Your Administration; and spread out before Her Majesty's Canadian Subjects, with no other distinction than that of virtue, the most delightful prospects of harmony, enterprise and prosperity.

Placed, as we are, at the Head of an Institution, which was originally incorporated by Royal Charter as an Academy, to "teach the various branches of Literature and Science, on Christian Principles," and which has been subsequently incorporated as a College with the privileges of a university, and which, as an Academy has already sent forth many young men into scenes of activity and usefulness, we trust it will receive from Your Excellency that countenance and support which may be required by its wants, and which will be most conducive to the educational interests of the Country.

With our Christian fellow-subjects, and the many thousand Members of the Wesleyan Methodist Church in Canada,—under whose auspices this College has been established,—we

fervently unite in imploring the Divine Blessing upon Your Excellency's Person and Government, and as fervently pray that Your Excellency may be guided in all your deliberations, and prospered in all your measures for the welfare of United Canada.

Signed in the name and by the order of the Board and Faculty of Victoria College, this twenty-first day of April, one thousand eight hundred and forty-three.

EGERTON RYERSON, Principal.

ALEXANDER MACNAB, Secretary to the Board of Trustees.

COBOURG, 21st of April, 1843

This Address having been submitted to Sir Charles Metcalfe he acknowledged its receipt, and sent to Doctor Ryerson the following reply:—

TO THE BOARD OF TRUSTEES AND FACULTY OF VICTORIA COLLEGE.

I beg you, Reverend Gentlemen, to accept my cordial thanks for your obliging congratulations on my arrival.

With you, I deeply lament the affliction which has befallen my distinguished predecessor, Sir Charles Bagot, and deplore the public injury sustained by the loss of his valuable services in the North American Colonies.

I should be happy, could I suppose that my administration of the Government is likely to realize the flattering prospects which you have the goodness to describe. I can only assure you that no effort on my part shall be wanting.

It will be a gratifying part of my duty to afford every support in my power to your excellent Institution, consecrated, as it is, to the most important interests of the Community.

I heartily join you in imploring the Divine Blessing for the welfare of United Canada; which, if united in Christian Love and Charity, as well as in name, cannot fail to be prosperous and happy.

C. T. METCALFE.

GOVERNMENT HOUSE, KINGSTON, 5th of May, 1843.

Sir Charles Metcalfe's Private Secretary, in enclosing this reply of the Governor General to Doctor Ryerson, accompanied it with the following intimation of His Excellency's generous gift of an annual prize to be competed for by the Students:—

The Governor General proposes to bestow upon the Students of Victoria College an Annual Prize, and desires me to request that you will have the goodness to procure, on his account, any Book you may consider best suited to meet the object His Excellency has in view.

J. M. HIGGINSON.

KINGSTON, May the 9th, 1843. |

ADDRESS TO SIR CHARLES BAGOT FROM VICTORIA COLLEGE, IN APRIL, 1843.

In addition to the Address to the newly arrived Governor General, the Board of Trustees and Faculty of Victoria College sent an Address of heartfelt sympathy to Sir Charles Bagot, the ex-Governor General, who, then very ill, was on

\* Sir Charles Bagot did not long hold the office of Governor General. Like Lord Sydenham, he was unexpectedly stricken by the hand of death, at Kingston, on the 19th May, 1843. A sketch of his life and character was prepared by Doctor Ryerson, and published in the *Kingston Chronicle* at the time. In that sketch he said:—

Sir Charles Bagot has created throughout the length and breadth of United Canada the settled and delightful conviction that its Government is henceforth to be British, as well as Colonial—and, as such, the best on the continent of America; that Canadians are to be governed upon the principle of domestic, and not transatlantic, policy; that they are not to be minified as men and citizens, because they are colonists; that they are, (to used the golden words of Sir Robert Peel), "to be treated as an integral portion of the British Empire."

This sketch was very favourably received by the leading public men of Canada, and, after it appeared in the *Chronicle*, it was reprinted in pamphlet form by Mr. Stewart Derbyshire, the Queen's Printer.—(See *The Story of My Life*, pages 306, 7.)

his deathbed—for he died in Kingston on the 19th of May, 1843. The Address was written by Dr. Ryerson, and was as follows:—

MAY IT PLEASE YOUR EXCELLENCY:—

We, Her Majesty's dutiful and loyal subjects, the Board of Trustees and Faculty of Victoria College, avail ourselves of the opportunity afforded by our present meeting, to express to Your Excellency our heartfelt gratitude for the benefit, which, by your impartiality and wisdom, you have conferred upon Canada, and the deep sympathy for the protracted and severe affliction with which Divine Providence,—which is too wise to err, and too good to be unkind,—has been pleased to visit Your Excellency.

The countenance which Your Excellency has bestowed upon the Institution, over which we are placed, demands our grateful acknowledgements.

In these expressions of respect, sympathy and gratitude, we are persuaded that we give utterance to the universal sentiment, and feelings of the Ministers and Members of the Wesleyan Methodist Church in Canada; and, with them, we unite in fervent prayer that Your Excellency and Family may be Divinely sustained and comforted in your affliction,—that you may be restored to return to the Land of our Fathers—that your life may long be spared to your Family and Country, and that the final issue of your early sufferings may be happy and glorious.

Signed in behalf, and by order, of the Board of Trustees and Faculty of Victoria College, this Twenty-First day of April, One Thousand Eight Hundred and Forty-Three.

COBOURG, 21st of April, 1843.

EGERTON RYERSON, Principal.

ALEXANDER MACNAB, Secretary of the Board of Trustees.

#### REPLY OF SIR CHARLES BAGOT TO THIS ADDRESS.

This Address was very gratefully received by Sir Charles Bagot, and, a little over two weeks before his death, he directed that the following Reply to the Address be sent to Doctor Ryerson:—

I have the honour, by command of the Right Honourable Sir Charles Bagot, to acknowledge the receipt of an Address from the Board and Faculty of Victoria College, and to say that he has felt the highest satisfaction at the manner in which they have expressed themselves as to the benefits which they consider he has been the means of conferring on the Province, and is much pleased that they should think that he has in any way contributed to the very deserving Institution which they represent.

Sir Charles Bagot has been truly gratified by the kind feelings which have been entertained towards him personally, by the Members of the Wesleyan Methodist Church in Canada, for whom he has always felt the sincerest respect, and for these and their kind wishes for his recovery, and future happiness, he desires me to convey to you his unfeigned thanks.

F. BAGOT, Private Secretary.

KINGSTON, May the 2nd, 1843.

#### ADDRESS FROM QUEEN'S COLLEGE TO SIR CHARLES METCALFE, IN APRIL, 1843.

On Monday the tenth of April, 1843, a deputation of the Trustees of Queen's College presented a congratulatory Address to His Excellency the Governor General on his arrival in this Province. The deputation consisted of the Reverend Doctor Liddell, the Reverend Professors Peter C. Campbell and James Williamson, the Reverend John Machar, and Messieurs Alexander Pringle, Francis A. Harper and John Mowat. The following is a copy of the Address:—

MAY IT PLEASE YOUR EXCELLENCY,

We, Her Majesty's dutiful and loyal subjects, the Principal and Trustees of the University of Queen's College, beg leave to approach Your Excellency, to offer our respective congratulations on your arrival in this Colony, and on your assumption of its Government.



In the selection by Her Most Gracious Majesty, of a Person of Your Excellency's high character and extensive experience in Colonial affairs, as the Representative of the Crown amongst us, we gratefully recognize a proof of the deep interest which Her Majesty feels in the welfare of this part of Her Dominions; and we are persuaded that the well-earned reputation of Your Excellency in various parts of the Empire, will be sustained and increased by Your Excellency's administration of the Government of this important Colony.

Representing, as we do, an Institution, founded, as expressed by Her Majesty, in Her Royal Charter of Incorporation,

"For the Education of youth in the principles of the Christian Religion, and for their instruction in the various branches of Science and Literature,"

We venture to express a hope that these high purposes of Her Majesty may be promoted by Your Excellency, as Her Representative; and that, while the temporal welfare of all classes of Her Majesty's subjects is secured and advanced, the fostering care of the Government may be so extended to the recently established University in this City, as well as other Institutions in the Province for the promotion of sound learning on the basis of religion,—“pure and undefiled,”—that the higher interests of the inhabitants of the Colony may keep pace with their outward prosperity, and that they and their descendants may be encouraged and enabled to acquire and maintain that intellectual and moral excellence, which, more than its temporal greatness, forms the glory of the Mother Country.

That the deservedly high esteem in which Your Excellency is held by all, without distinction of party, in Britain, may lead we trust all classes in Canada to unite in cordially supporting Your Excellency in the discharge of the arduous duties of your distinguished Office; and, above all, that God, the Supreme Ruler of the Universe, may guide Your Excellency by His Heavenly Counsel, and render your Administration peaceful, prosperous and happy—is our earnest and constant prayer.

In the name, and by the appointment, of a special Meeting of the Board of Trustees of Queen's College, held at Kingston, this sixth day of April, 1843.

KINGSTON, 6th of April, 1843.

THOMAS LIDDELL, D.D., Principal of Queen's College.

WILLIAM MORRIS, Chairman of Board of the Trustees.

To the Principal and Trustees of the University of Queen's College, His Excellency replied as follows:—

I beg you, Reverend Sirs and Gentlemen, to accept my grateful thanks for your kind congratulations on my arrival, and on my assumption of the Government; and for the benevolent wishes that you have expressed for the success of my administration.

I fervently join in your prayer, that the Almighty may bless my humble endeavours, and render them conclusive to peace, prosperity and happiness, throughout this Country; and as no object can be more important than the education and instruction of the juvenile portion of the community, and of the youth of the Country in the principles of Christian Religion, and in the various branches of Science and Literature, you may be assured that I shall regard, with exceeding interest, and shall be anxious to support, by all means in my power, your valuable Institution, devoted to those sacred purposes.

KINGSTON, 10th of April, 1843.

C. T. METCALFE.

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VISIT OF SIR CHARLES METCALFE TO VICTORIA COLLEGE, SEPTEMBER 12TH, 1843.

The Twelfth of September, 1843, was a memorable Day in the early history of Victoria College. I was then a Student at the College and well remember the pleasurable excitement caused by the announcement, made early in the morning of that Day by the Principal, that the Governor General would, in the afternoon, honour the Institution with a visit, as the Representative of the Queen—after whose designation, as the august Sovereign of the Empire, the College had been named. Decorations were made by the Students on the occasion. Two

triumphal Arches were erected in front of the Building—one over the principal entrance, the other over the Gateway of the enclosure. An avenue formed of two rows of trees connected the two Arches. The front of the Building was ornamented with evergreens. The Chapel, in which his Excellency was received, was also tastefully decorated, having the motto—SCIENTIA ET RELIGIO—over the Pulpit. His Excellency and suite arrived at the College about seven o'clock in the Morning of the day of his departure for Toronto, instead of in the afternoon,—accompanied by the principal inhabitants of Cobourg. He was received at the Gate by the Principal and Professors, and conducted to the Chapel, the Students forming two lines, from the Gateway to the Entrance of the College.

The Address, to be presented to the Governor General, was written by Doctor Ryerson, the Principal, and he requested me to transcribe the presentation copy,—which I did. The Address was as follows:—

MAY IT PLEASE YOUR EXCELLENCY:—

We, the Faculty and Students of Victoria College, beg permission to offer to Your Excellency a most respectful and cordial welcome among us, and to express our deep and grateful sense of the honour you have conferred upon us, by your present visit to this Institution:—an Institution in which instruction is based upon the threefold foundation of true religion, devoted loyalty, and solid learning, and inculcated in the spirit of the apothem :

*In Scientia excellere, pulchrum est ; sed nescire turpe.*

We recognize and revere in Your Excellency, not only the chosen and honoured Representative of our beloved Sovereign, but the Aristides and parental benefactor of our country.

The feelings which Your Excellency has already expressed, in regard to Victoria College, afford us delightful assurance that its interests will be duly considered in the accomplishment of those measures which Your Excellency has so much at heart for the educational and moral elevation of Canada.

We love our Sovereign, as the personification and arbiter of Justice and Truth ; we love our British Constitution and Government, as the best safeguard of life and liberty, and as the most efficient promoter and most liberal rewarder of merit and virtue ; and we love our Country as an integral portion of the glorious British Empire—the scene of our early associations, and the theatre of our future hopes. We rejoice that its administration is committed to the able and generous hands of Your Excellency ; and it is our earnest prayer to Almighty God that Your Excellency may long be spared to unite its inhabitants, to develop its intellectual and physical resources, and to render it the brightest gem in the Crown of Her Britannic Majesty.

COBOURG, September 12th, 1843.

EGERTON RYERSON, Principal of the College.

To this Address His Excellency was pleased to reply in gracious terms ; and, after expressing himself gratified with his reception and greatly pleased with the College, which he termed an “admirable Institution,” he kindly stated that he would gladly promote its interests to the utmost of his power. He then returned to his carriage, amidst the cheers of all present. At his request, the Principal gave the remainder of the day as a holiday to the Students.

## CHAPTER XIV.

## MISCELLANEOUS PAPERS RELATING TO EDUCATION IN UPPER CANADA, 1842, 43.

## CHURCH OF ENGLAND DIOCESAN DIVINITY SCHOOL AT COBOURG, 1842.

Owing to the delay in establishing King's College at Toronto, Bishop Strachan, after consulting his Chaplains, the Reverend Messieurs A. N. Bethune, H. J. Grasett and H. Scadding, decided to establish a Diocesan Divinity School, under the direction of the Reverend Alexander Neil Bethune at Cobourg. The opening of the School took place on the tenth of January, 1842, and was continued there until 1851, when it was amalgamated with Trinity College, which went then into operation. The following notice was issued by the Bishop in 1841 :—

The Bishop of the Diocese of Toronto, has appointed the Reverend A. N. Bethune, Rector of Cobourg and one of His Chaplains to be Professor of Theology in this Diocese, Candidates for Holy Orders will, in future, be expected to place themselves under the instructions of the Professor, for the purpose of passing through a prescribed course of theological study; but they must previously pass an examination before one of the Bishop's Chaplains to ascertain their competency to enter, with advantage, on the appointed line of theological reading. At the end of the course, such students as are approved by the Professor, and can produce the necessary testimonials will be permitted to present themselves to the Bishop for ordination.

During the nine years that this Divinity School was in operation, forty-five of the Clergy of the Diocese of Toronto received their Theological training in it. The average attendance of Students was about fifteen each year.

The course of instruction in the Divinity School extended to three years, and the course of Study and embraced the Greek Testament, both Gospels and Epistles; the Thirty-nine Articles; the evidences of Divine Revelation and of Christianity in particular, comprehending such as arise from undesigned coincidences; the Old Testament History critically reviewed; the Liturgy, including Dissertations on Forms of Prayer, and on the Ancient Liturgies; Church Government, comprehending the Scriptural as well as Patristic Testimonies; Ecclesiastical History and Selections from several of the Greek and Latin Fathers. Besides this, Sermons were required to be written by each Student at stated periods which were read by the Students themselves, and commented upon by the Professor before the whole body of Students.

## HOW TO PUT THE COMMON SCHOOL ACT OF 1843 INTO FORCE.

The Reverend Robert Murray, Superintendent of Education in Upper Canada, issued the following notice on the 26th of December, 1843 :—

As there are daily applications made for this Office, by those interested in the working of the New School Bill (of 1843,) with the view of ascertaining what the people should do at the beginning of the year in order to carry the provisions of the Bill into full effect; may I desire to say that I conceive the meaning of the Statute to be, that, in each School district already formed, the freeholders and householders are required to hold a School district Meeting, on the second Tuesday of January next; to appoint a chairman to preside at such meeting; and afterwards to elect from amongst themselves, three Trustees for the Common Schools of such School district.

The Trustees have the power to contract with and employ the Teacher, and to raise the funds to pay the stipulated salary. But, until the County and Township's Superintendents are appointed, the contracts with Teachers should be made conditional upon their qualifications being approved by the Township, or County, Superintendent, when appointed. These appointments cannot be before the Meeting of the District Councils in February next.

It is of great importance that the inhabitants of each Township should fix upon some person within the same, qualified by his education for discharging the duties of School Superintendent therein, and recommending him to the support of their District Councillor, or Councillors.

KINGSTON, 26th of December, 1843.

ROBERT MURRAY.



*Trustees of the Grammar School, Cobourg.* On the 16th of September, 1843, the Reverend A. N. Bethune, Chairman of the Board of Grammar School Trustees, addressed the following Letter to the Reverend Doctor Ryerson :—"I have the honour to inform you that I have received from the Honourable S. B. Harrison, Provincial Secretary, West, a Commission containing the appointment of the following Gentlemen to be Trustees of the District Grammar School in this Town, videlicet: The Reverend Alexander Neill Bethune, the Reverend Thomas Alexander, the Reverend Egerton Ryerson, D.D., the Reverend W. Dolan and Archibald Macdonald, Esquire."

*Legislative Aid to Victoria College, 1843.* Mr. John P. Roblin, M.P.P. writes from Kingston to Doctor Ryerson, on the 17th of October, 1843, as follows: I have to inform you that the Government have sent us down the Estimates for the current year, in which they include Five Hundred pounds, (£500), for Victoria College. I am at a loss to know whether it would at present be prudent either to try for more, or to get that amount made permanent. One thing, however, is, that we doubtless are safe for that amount for this year.

*The Baldwin University Bill of 1843.* In a Letter from Mr. John P. Roblin, M.P.P., to Doctor Ryerson, dated the 4th of November, 1843, he said: I am happy to find that the Board of Victoria College could concur in the principles of the Baldwin "University Bill," as I am satisfied in my own mind that it will pass the House of Assembly, the Ministry being all powerful, and can carry any measure they choose.

I will do what I can to procure for Victoria College a larger grant in aid of its funds.

*Students at Victoria College in 1842-43.* In a Letter from Mr. James Hopkirk, Assistant Provincial Secretary, West, dated at Kingston on 20th of January, 1843, he says:—Yours of the 16th instant I duly received yesterday. I am very glad to hear such good accounts of the progress of your Institution. Ninety-seven is a great number of students to have, and I have no doubt they will go on progressively increasing.

*Ladies' Seminaries at Cobourg, 1842-3.* After the incorporation of the Upper Canada Academy at Cobourg as a College, the ladies' classes in the Institution were given up. Two of the Professors—the Reverend Jesse Hurlburt, and the Reverend Daniel C. Vannorman, established Ladies' Schools, or Seminaries, in Cobourg, under the Principalship of Mesdames Hurlburt and Vannorman respectively. In a current announcement of one of these Seminaries it is stated that: "The expenses in this Institution are very moderate, requiring only Six pounds, fifteen shillings per Term, for Board, with Tuition in the highest English Branches, and less for the common English branches. A deduction of seven shillings and six pence per Term will be made to those pupils who provide their own beds. Experienced and efficient Teachers are employed in every department of the Academy."

*Other Ladies' Seminaries:* In Cobourg, by the Misses Crombie; in Toronto, by Mrs. George Ryerson, Mrs. Gilkinson, Mrs. Cockburn, the Misses Skirving and the Misses Winn; in Niagara, by Miss Coates; in Hamilton, by Miss Felton, in Kingston, by Mrs. Hermann Poetter; and in Cornwall, by Mrs. King.

## CHAPTER XV.

### CORRESPONDENCE ON THE UNIVERSITY QUESTION, 1843-44.

#### QUERE—WHO ARE THE LEGAL "VISITORS" OF KING'S COLLEGE?

In seeking to adjust the details of the University Bill of the Honourable Robert Baldwin, the question seems to have arisen as to who were, or would be, the legal "Visitors" of King's College. With a view to settle that question authoritatively, the Governor-General, Sir Charles Metcalfe, addressed the Colonial Secretary, Lord Stanley, on the subject, in the following Despatch:—

Circumstances connected with a plan for the extension of the benefits of King's College University, render it desirable that the opinion of the Law Officers of the Crown in England

\* This Bill was read a second time on the 24th of November. On the 27th of that Month, the Ministry resigned, so that the Bill was not proceeded with after its second reading. See page 34, *ante*.

should be obtained, on the question propounded in the enclosed Memorandum\* as to who is legally the Visitor of the College, or who are the Visitors; the question being between the Bishop of Toronto, and the Judges of Upper Canada.

The Judges, I am told, on a reference heretofore made to them, decided that they were, by law, the Visitors, and I am not aware that the Bishop is disposed to dispute this decision; but it is of public importance that the point should be ascertained; as greater facility, or difficulty, in accomplishing the purpose desired, may depend on the solution of this question.

I, therefore, trouble your Lordship with the enclosure, to be referred, or not, to Her Majesty's Law Officers, as you may be pleased to determine.

KINGSTON, 26th of December, 1843.

C. T. METCALFE.

Lord Stanley, the Colonial Secretary, replied to this Despatch as follows:—

Having, in pursuance of the request contained in your Despatch of the 26th of December, last, submitted to the Law Officers of the Crown, the question whether the Judges of the Court of Queen's Bench in Upper Canada are legally the Visitors of King's College, or whether that office devolves upon the Bishop of Toronto, I have received from the Law Officers a Report stating that, in their opinion, the Judges of the Court of Queen's Bench are the Visitors of the College, and not the Bishop of Toronto. I enclose for your information a copy of that opinion.

DOWNING STREET, LONDON, 3rd of February, 1844.

STANLEY.

ENCLOSURE.—*Opinion of the Law Officers of the Crown.*

We had the honour to receive a Letter from James Stephen, Esquire, on the 22nd ultimo, wherein he stated that, by direction of your Lordship, he transmitted to us the accompanying paper. (1), First, of the Charter of King's College, Upper Canada; (2), Secondly, a Statute of Upper Canada, 7th William IV., Chapter 16, and (3), Thirdly, of a Case which has been transmitted to your Lordship by the Governor of Canada, in a Despatch of the 26th of December last; and (4), Fourthly, a Copy of that Despatch.

Mr. Stephens further stated that your Lordship desired that we would report to you our opinion on the question of law, adverted to in Sir Charles Metcalfe's Despatch on the 26th of December last, and in the accompanying Case.

In humble obedience to your Lordship's commands, we have read the various Documents transmitted to us, and have fully considered the question submitted to us, and beg leave to report to your Lordship that, in our opinion, the Judges of the Court of Queen's Bench are the Visitors of the said College, and not the Bishop of Toronto.

THE TEMPLE, 1st of February, 1844.

FREDERICK POLLOCK,  
W. W. FOLLETT.

After the failure of the Baldwin University Bill to become law, owing to the resignation of the Ministry, (of which Mr. Baldwin was the Leader,) in November, 1843, Sir Charles Metcalfe, the Governor General, sought to obtain the opinion of Doctor Ryerson and others on the subject.

INTERVIEWS WITH SIR CHARLES METCALFE ON THE UNIVERSITY QUESTION.

In a written statement prepared by Doctor Ryerson for "*The Story of My Life*," page 344, he says:—

Towards the close of 1843, Sir Charles Metcalfe determined to prepare and give effect to the Liberal Measure on the University Question,—on which subject the Honourable Robert Baldwin had prepared some elaborate and comprehensive Resolutions. Sir Charles sent for me to consult with me on the University Question, as I was then connected with one of the Colleges—Victoria.

\*No copy of this "Memorandum" accompanied this Despatch, which was laid before the House of Assembly, by Sir Charles Metcalfe, on the 24th of January, 1845.

On the 18th of December, 1843, the following Letter was addressed to Doctor Ryerson by Mr. Higginson, Private Secretary to the Governor General:—

Of the many important subjects which at present engages the attention of the Governor General is one in which your Church is particularly interested; and His Excellency is, therefore, desirous of having the benefit of your opinion upon it. I mean the consideration of the arrangements that are now necessary, in consequence of the failure of the University Bill introduced last Session. . . . He will be happy to have some conversation with you on the question, to which I allude, the first time that you may visit this part of the Province.

KINGSTON, 18th of December, 1843.

J. M. HIGGINSON.

On the third day of January, 1844, Doctor Ryerson wrote to Mr. Higginson on Church matters. In reply Mr. Higginson said:—

. . . . When it suits your convenience to come this way, His Excellency will have an opportunity of fully discussing the subject touched upon in your Letter, . . . .

In a Letter to the Honourable William H. Merritt, Doctor Ryerson thus mentioned the purport of his conversation with the Governor General:—

His Excellency's object, in desiring me to wait upon him, had reference to the University Question . . . . (See page 102.)

On the 19th of January, 1844, Doctor Ryerson, addressed a Letter to Mr. Higginson, suggesting that, with the Governor General's permission, he would explain, (through the press), what were His Excellency's views in regard to the University Question. In reply, Mr. Higginson said:—

I am desired by the Governor General to acknowledge the receipt of your Letter of yesterday's date, and to convey to you the thanks of His Excellency for that obliging Communication, and to say in reply, that His Excellency does not see any objection to your stating through the press his continued approval of the general principle and objects of the late University Measure; \* these he conceives to be the abolition of exclusiveness and the extension of the benefits of the Institution to at least all Trinitarian Churches, either by amalgamation, or by separate endowment.

The only difficult question appears to His Excellency to be the legal one of property in the present endowment. If that legally belongs to King's College, and can not be taken away, without the consent of the present Proprietors, that consent must either be obtained, or other means be found for additional endowments for the other Churches, either in union with the University, or separately, as may be most convenient and practicable. If there be no legal objection, and, consequently, "no robbery," then the matter is much simplified; but, in either case, the same principle and objects ought, in His Excellency's opinion, to be kept in view, and carried into effect.

I am to add that the Governor General, placing great reliance on your judgment, is very happy to perceive that you think it probable that a majority of the present House of Assembly would be disposed to support an Administration based on these and the other views, which His Excellency had the pleasure of discussing with you, when you were so good as to wait upon him.

KINGSTON, 20th of January, 1844.

J. M. HIGGINSON.

#### MR. DRAPER'S CONSULTATIONS WITH THE REVEREND DOCTOR RYERSON ON THE PROPOSED UNIVERSITY BILL OF 1845.

In March, 1844, the Honourable William H. Draper addressed the following Letter to Doctor Ryerson on his then projected University Bill of 1845:—

From a conversation which I have had with Captain J. M. Higginson, I am led to hope that an arrangement satisfactory to all parties may be made by which the Country will obtain the benefit of your (educational) services. . . .

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\*If written, I have not been able to find such a Letter. J. G. H.



. . . I desire, moreover, to ask your opinion and suggestion, in relation to a plan sketched, but not digested, for settling the University Question.

I think that any plan which would provide for education merely,—without reference to any religious principle,—bad. I also think that it is much to be wished,—(for the good of the Country,) that, in making provision for the support of University Education, the tuition of those intended for the University of the different leading Religious Denominations, should not be lost sight of. It is, with these views, that I supported the incorporation of Victoria and Queen's Colleges;—for I look upon it as absurd to dream of different Theological Professorships in one University.\* And upon the principle, on which I supported those Institutions, I should claim for the Church, of which I am a Member, a like privilege and a like support.

The question of endowment creates the main difficulty. That already given to King's College, may, I frankly admit, be looked upon,—going back to the question of original intention,—as the full amount of University Endowment for the whole country of Upper Canada,—limiting the Divinity portion of education, (by the Charter,) to the Divinity of the Church of England,—making the others generally open to all.

Now it has occurred to me that a principle similar to that which the Imperial Parliament adopted, in reference to the settlement of the Clergy Reserve Question, might be fixed on, here.—

Take the four Colleges already incorporated—King's,—Queen's,—Victoria and Regiopolis,—let each be the College of the respective Churches of England, Scotland, the Methodists, and the Roman Catholics, and give to each a fixed share of the endowment now appropriated to the University of King's College.

I cannot tell whether such a proposition would be listened to by the Church of England. I may have a hard battle to fight with them, as I had on the Clergy Reserve Question,—when they claimed all. But I want to try, (if I thought there was any reasonable prospect of success,) to bring the idea into a tangible shape, and to procure a settlement of the present University difficulties upon its basis.

KINGSTON, 11th of March, 1844.

WM. H. DRAPER.

To this Letter, Doctor Ryerson replied as follows :

I thank you for your valued Letter of yesterday, and reply without delay to the important question which you have proposed :—

I am happy to perceive that, in your plan, you propose avowedly to place education upon "religious principles." This I have advocated in printed addresses;—and also that religious principles should be incorporated with the whole system of instruction, as well as lie at the foundation of it.

I also agree with you in not having different Theological Professorships in the same Institution. I also agree with you on the importance of Theological training, and consequently of Theological Professorships for the Clergy of the different Churches.

I do not object to your proposal; but there is a difficulty in getting Parliament to consent to have one Professor of Divinity in the University of King's College, and all the others excluded from it. If further, the amount granted to each of the other Colleges were no more in amount than that of the salary of the Divinity Professor in the University of King's College, an inequality and disadvantage would be felt on this ground also. Could not these objections be partially, if not altogether, obviated?—by providing that the Divinity Professor should not be a Member of the University Council;—that the amount granted to each of the different Colleges be, to some extent, equivalent to their comparatively disadvantageous positions,—and that the Divinity Professors of the other Colleges referred to, might, on the application of the respective Religious Bodies to which they belong, be recognized by the University, and their Students admitted to its Lectures upon such terms as might be approved of by Her Majesty, on the recommendation of the Governor-General, by and with the advice of the Executive Council.

I suggest this last thought : (1) In order to secure practically the object you have in view. (2) In order to escape the discussion of question of diverse Theological Professorships in the same University. (3) In order to afford facilities to Theological Students of different classes to attend Lectures in the University on the different branches of Natural Philosophy, etcetera, if they should desire to do so.

In carrying out your general principle that the University should be open to all,—I think the chief difficulties will be the composition of the Council, (e.g., the "Extra Mural Board"),

\* See the Report of the Education Commissioners on this subject, in 1840, on page 247 of the Third Volume of this Documentary History.

and the amalgamation scheme—the former is advocated by the “Radicals,” and the latter, by the Presbyterians and “Radicals.” It appears to me that you can meet the former difficulty by modifying the composition of the Council, as you mentioned, when I saw you in Kingston; and you can meet the latter difficulty practically, in accordance with your own, and the above, suggestions.

In addition to this, assistance, in the way of Resolutions, may, perhaps, be obtained: As the Annual Meeting provided for in the Victoria College Charter will take place during the first week in June, Resolutions may be introduced, and I have no doubt will be adopted to meet the case in principle and in view of non-compliance with the amalgamation part of the late Bill.

I think the Roman Catholics are not in favour of amalgamation, and that, (if the Heads of Regiopolis College were spoken to,) they would express views to that effect, on their own part.

You are, perhaps, not aware that when I was in Kingston in October last I proposed to Mr. Baldwin that Victoria College should be omitted from the Bill. He seemed to be much moved, and said that if we withdrew, the Bill would be defeated, and he should abandon it at once, as there was no certainty of our getting any permanent aid in any other way.

At one Victoria College Board Meeting, held afterwards, I proposed a Resolution, objecting to the “Extra Mural Board;” but I did not succeed in carrying it, as it was thought not to be a part of the University Bill which effected us as a Body.

It appears to me that you will be still further strengthened in your position, and aided in carrying the Measure, if, after you have carefully digested and prepared the outlines of the proposed Bill, you would send them Home to the Colonial Secretary, and get the substance of them incorporated into a Royal Despatch on the subject,—in consequence of proceedings which took place in the Legislature during the last Session.\* Your ultra Church friends will then be compelled to attack a Royal Despatch, instead of you; and, in case you appeal to the Country on the subject, your ground will be all the stronger.

Perhaps you might confidentially consult the Reverend Doctor McCaul on the subject, although the Bishop will, of course, be dead against you. But Doctor McCaul appears to me to be so enlightened and practical a man, that I cannot but think he will aid and support you in a judicious and just Measure, in regard to this most important and absorbing question.

As far as I am concerned, I can assure you that I have no disposition to injure the Church of England, but will go as far as I can, and as far as I can get the support of my friends, to meet the views and wishes of her best friends. And, in the event of the arrangement, to which you refer taking place, I trust I shall furnish practical proof of my disposition to give to the Clergy and leading Members of the Church of England throughout the Province that consideration which their intelligence and standing in the community justly warrant and demand.

I am certainly no advocate, in the abstract, for ecclesiastical influence in civil matters. But, taking things as they are, I think this is plain, that, if Canada is to be elevated and remain attached to Great Britain, it must be through its religious and educational systems,—even though the former be regarded, as Gibbon says, that the religious systems of the Romans were, “by the common people as equally true; by the philosophers as equally false; and by the Magistrates as equally useful.”

P. S.—A few days since, I received a letter from my Brother, the Reverend John Ryerson, President of the Wesleyan Conference in Canada,—from which I make an extract, as it has some relation to the University question. It is dated at St. Catharines, on March the 4th, 1844.

He says:—“I lose no time in replying to your kind Letter of the 27th ultimo. I am highly gratified that the Governor General appears to be disposed to provide for Victoria College more liberally than was previously proposed.

I am well pleased that it will be left with the College, either to go on in a separate and independent sphere, or become a part of the proposed University.

I am very well pleased with the idea of your being appointed Superintendent of Education,—an Office for which I think you are better adapted than any other Person in the Province, and an office, in which you can be of more service to the Country generally than in any other position. . . .

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\* In a subsequent Letter to Mr. Draper, written on the 10th of September, 1844, Doctor Ryerson said: “Could not the University Question be satisfactorily settled in England?” In a Letter from Mr. Higginson, the Governor General’s Secretary, to Doctor Ryerson, dated the 18th of September, 1844, referring to this query, he said: “I wish, with you, that the College Question could be settled in England, if we could only prevail on the contending parties to agree to a case of facts. This might be accomplished, and I am not without hope that some scheme may be devised to which no party will have just ground of objection. I shall write to you upon this subject as soon as anything is determined on.”

## THE UNIVERSITY EXTRA MURAL BOARD OF CONTROL.

In an additional Letter, from Doctor Ryerson to Mr. Draper, he thus discussed the question of the expediency of the proposed Extra Mural Board of Control for the management of the projected University :—

In considering what might be the best and most acceptable substitute for the "Extra Mural Board of Control" which is proposed for the University of Toronto,—(the point which will perhaps be the most difficult to get over and adjust)—it has occurred to me as to whether a provision for the appointment of Members of the Board, or Council, just as other public Officers, or School Trustees, are appointed,—by the Governor General by and with the advice of the Executive Council,—would not be the most simple, the most safe, and the most popular.

The office of Member of the University Council should be held during the pleasure of the Crown, as are all other public offices. Such a provision would not give the Representatives of the Home District a control over the University, which was not possessed by the Members of other Districts in Upper Canada ;—it would not connect the University with four, or five, Religious Sects, but disconnect it from all Sects, and connect it with the whole Province, through its Responsible Government,—would avoid all the impracticable cumbersomness of the proposed Board of Control,—would give the Crown a veto at least, if not something more, in regard to all the appointments to the University.

Perhaps the same thought, or a better one, has occurred to you, as it has, however, struck me as a popular and safe substitute, for the most popular, yet most objectionable\* feature of the late Bill.

EGERTON RYERSON,

COBOURG, 15th of April, 1844.

## CHAPTER XVI.

### DR. RYERSON'S APPOINTMENT AS SUPERINTENDENT OF EDUCATION FOR UPPER CANADA, 1844.

By reference to pages 209-212 of the Fourth Volume of this Documentary History, it will be seen what were the circumstances under which the Reverend Robert Murray, M.A., was appointed Assistant Superintendent of Education for Upper Canada in 1842, instead of the Reverend Egerton Ryerson, D.D.† On this point, the Reverend Doctor Ryerson, in his Letter to Mr. Murdoch, Private Secretary to Sir Charles Bagot, of the 14th of January, 1842, said :—

In the last interview with which I was honoured by [Lord Sydenham], he intimated to me, that he thought I might be more usefully employed for this Country than in my present limited sphere ; and whether there was not some position in which I could more advantageously serve the Country at large. . . .

\* For further correspondence on this subject, see page 60, *ante*.

† It should be borne in mind that the Reverend Robert Murray was not appointed (in May, 1842,) under the authority of the General Common School Act applicable to the whole Province of Canada, for it only provided, in Section Four, for the appointment of a "Superintendent of Education in the Province" ; and made no provision whatever for the appointment of an Assistant Superintendent, such as Mr. Murray. Under the authority of that Act of 1841, the Honourable Robert Sympson Jameson, Vice-Chancellor of Upper Canada, was appointed "Superintendent of Education under the Provincial Act, 4th and 5th Victoria, Chapter 18," as above. By virtue of the Prerogative of the Crown, Mr Murray was, however, appointed "Assistant Superintendent of Education for Western Canada, and Doctor Meilleur for Eastern Canada." When the Upper Canada School Act of 1844 was passed, Mr. Murray was not reappointed under its authority, but retained his position by virtue of his prerogative appointment. (See page 212 of the Fourth Volume of this Documentary History.)



I replied that I knew of no such position likely to be at the disposal of the Government except the Superintendency of Common Schools, (provided for in the Common School Bill then—in 1841—before the Legislature), which Office would afford the Incumbent a most favourable opportunity, by his communications, preparation and recommendation of books for libraries, etcetera, to abolish differences and jealousies on minor points; to promote agreement on great principles and interests; to introduce the best kind of reading for the Youth of the Country.

Lord Sydenham expressed himself as highly gratified at this expression of my views and feelings; but the passing of the Common School Bill was then doubtful; although his Lordship expressed his determination to get it passed if possible.

The Honourable Isaac Buchanan, in a Letter to the Editor of this publication, dated the 24th of March, 1883,—speaking of the non-appointment of Doctor Ryerson to the Office of Assistant Superintendent of Education by Sir Charles Bagot in 1842—said :—

I believe that nothing prevented him (Doctor Ryerson) being gladly offered the originating of an Educational System for Upper Canada—a Province which he knew so well and loved so much—but the most unworthy Church prejudices of parties who had influence with the Government of the day,\* for it was known to be a herculean task, which no one could do the same justice to as Doctor Ryerson, and which few men, (however great as scholars themselves), could have carried through at all.

At an interview which Dr. Ryerson had with Sir Charles Metcalfe, at his request, in the latter end of 1843, on the subject of the University Bill. At the close of the interview, Dr. Ryerson said to His Excellency :—

That the educational condition of the Country at large was deplorable, and should be considered in a system of public instruction commencing with the Common School, and terminating with the University; being connected and harmonious throughout, and equally embracing all classes without respect to religious sect or political party. Sir Charles was much impressed and pleased with my views, and expressed a wish that I could be induced to give them public effect.

Doctor Ryerson then goes on to say :—I remarked to Sir Charles that Lord Sydenham, a few days before his sudden death, had proposed the same thing to me, and that had he survived a few weeks, I would likely have been appointed, with a view of organizing a system of Elementary Education. (*The Story of My Life*, pages 344-45.)

After this interview, Dr. Ryerson wrote to the Governor General, on the 26th February, 1844, as follows :—

MAY IT PLEASE YOUR EXCELLENCY,— . . . In order to divest my appointment (as Superintendent of Education) of the appearance of the political character, which it attached to the Office of Secretary of the Province, it might be stated in the Commission, in connection with my name, that my duties were to be confined to the Office of Chief Superintendent of Common Schools, as required in the Common School Act of 1843 +

My office would then be one recognized by law. I would be invested with the requisite power, under Your Excellency's directions, to promote those plans for the intellectual improvement of the Country, which I had the honour of stating to Your Excellency. I would not be superseding another, (who might retain his situation, at least for a short time). I would be

\* In reply to a letter from the Reverend John Ryerson, dated the 6th of March, 1844, Doctor Ryerson said :—“As liberal as the Council of Sir Charles Bagot were in many things, they rejected the application of every Methodist candidate for office. Making appointments upon the principle of party, they must be given only to one of the party; a system of appointment which holds out a poor prospect to the Methodist who makes religion first, and party not more than second—especially when he may have, as a rival candidate, one who makes party everything and religion nothing.”—*The Story of My Life*, pages 345-6.

+ This suggestion was made by Doctor Ryerson, in consequence of the provision contained in the First and Second Sections of the Common School Act, 1843, as follows :—“The Secretary of the Province shall, *ex officio*, be Chief Superintendent of the Common Schools of Upper Canada . . . and it shall and may be lawful for the Governor of this Province, from time to time, to appoint an Assistant Superintendent of Common Schools for Upper Canada aforesaid, who shall act in all things under the directions of the Chief Superintendent. (Page 251 of the Fourth Volume of this Documentary History.)

placed in a situation of not less dignity than that which I now fill, and in a position best suited to sustain myself, and to enable me to render the most efficient support to the Government in the manner proposed.

EGERTON RYERSON.

CORBOURG, February the 26th, 1844.

To this Letter Mr. Secretary Higginson replied as follows:—

I am directed by the Governor-General . . . to acknowledge the receipt of your Letter of the 26th ultimo, and in reply to inform you that His Excellency fears that the arrangement which you suggest of a Joint Commission to yourself and another to the Secretary of the Province, is now impracticable, consistently with Resolutions already adopted [in regard to the doing away with a Joint Commission to the two Secretaries of the Province].

. . . I am directed to add that the Governor General is so sensible of the great value of the aid you would bring to the Government in the intellectual improvement of the Country, that he anxiously hopes, as suggested, that some arrangement may be devised satisfactory to you to obtain your co-operation; and His Excellency will keep his mind bent on that object, and will be happy to hear any further suggestion from you, with a view to its accomplishment.

J. M. HIGGINSON.

KINGSTON, 2nd March, 1844.

In his reply to this Letter from the Private Secretary of Sir Charles Metcalfe, Dr. Ryerson said:—

The latter part of your Letter has engaged my deepest consideration, as far as I could bestow it, while performing duties which involve fifteen hours daily labour. . . . In the present crisis the Government must, of course, be first placed upon a strong foundation; and then must the youthful mind of Canada be matured and moulded in the way, which I have had the honour of stating to His Excellency, if this Country is long to remain an appendage to the British Crown.

The desideratum required, I should attempt to supply; and then devise measures,—put forth publications,—and employ efforts to direct the public mind into new channels of thinking, and furnish the youthful mind also with instruction and materials for reading that would render this Country British in domestic feeling, as I think it now is intentionally at least in loyalty.

To do anything effectual towards the accomplishment of such a task, my position should be made as strong as possible. At best, my qualification for a work so difficult and varied, are extremely limited, but more especially under present circumstances.

. . . After weighing the matter carefully and pondering it . . . I have resolved to place my humble services at the disposal of my Sovereign, and, in whatever situation His Excellency is of opinion I can render more service to the Government and to the Country. . . . I would, however, rather aid, as a private individual, and as an independent volunteer, in the service of the Crown and the Country, as I have been on former occasions,—than be placed in any official situation.

Whatever arrangements may be made, should, I think, be announced with as little delay as possible; for, although I could not sever my present official relations to Victoria College, or relinquish its duties before May of this year, yet my friends throughout the Province should be apprized of my position; and I would, therefore, have an occasion of addressing a few words to them through the press, which would arrest their attention, and cause a suspension of their judgment, as well as awaken curiosity, until I could make the requisite preparations for the proposed change, and then enter actively upon the work assigned to me. The most favourable circumstance of the case is, that, under the present School Law, (of 1843), no appointment has yet been made by the Government, and, therefore, no dismissal can take place, by reason of such appointment.\*

EGERTON RYERSON.

CORBOURG, March the 8th, 1844.

To this Letter, Doctor Ryerson received the following reply:—

I have the honour to acknowledge the receipt of your Letter of the 8th instant, and am directed to convey to you the expression of the Governor General's cordial thanks for the public spirited offer of your able and valuable services in the present crisis of public affairs;—an offer.

\* For note on this point, see page 106, *ante*.

which His Excellency accepts with a high degree of satisfaction,—feeling confident that your exertions will be unremittingly directed to the duties of that very important branch of the Administration, in which so much remains to be done,—affording, in the wide field of Education, scope for the exercise of those talented qualifications with which you are endowed, and which you have, in so patriotic a manner, resolved to devote to the services of Canada. . . .

The Governor General hopes that it will be in his power, on an early day, to communicate to you an arrangement satisfactory to yourself and likely to be beneficial to the Country.

J. M. HIGGINSON.

KINGSTON, March the 12th, 1844.

Doctor Ryerson's response to this Letter was as follows:—

I should be insensible indeed did I not acknowledge, with the deepest feelings of gratitude, the manner in which His Excellency has been pleased to accept of my humble services. The very terms of your communication add to my overwhelming embarrassment, in view of the magnitude of the responsibility, and the difficulty of the work assigned to me.

I utterly despair of fulfilling the lofty expectations expressed in your Letter. In regard, however, to the unremitting diligence of my exertions, I trust His Excellency will not be disappointed.

EGERTON RYERSON.

COBourg, 18th of March, 1844.

After a short delay Doctor Ryerson received the following Letter:—

I did not acknowledge the receipt of your Letter of the 18th ultimo when it reached me, because there was reason to suppose, at that time, that an arrangement would have been practicable, without so much delay, for securing your valuable services to the Government,—an object which the Governor General has so much at heart. and which he has no reason to doubt of his eventually being able to realize,—regretting, as he does, that it has not already been effected.

J. M. HIGGINSON.

KINGSTON, April the 10th, 1844.

To this Letter, Doctor Ryerson replied as follows:—

I thank you most sincerely for your note of the 10th instant, which I received yesterday.

I was not at all concerned at the delay, to which you refer; and the postponing of my own appointment until other appointments are made, accords with my own wishes, as I suggested to the Honourable S. B. Harrison, when I saw him last.

. . . As to my appointment, all that was important to myself individually was communicated to me in your Letter of the 12th ultimo,—the fact that the appointment had been determined upon,—so that my arrangements could be made accordingly, and my observation and thoughts be directed into those channels and to those facts, which would be essential to the success of my future engagement. It would suit my own convenience better, if my appointment were not to take place before the middle, or last, of next month, (May),—although I think the impression will be stronger, if it be announced with the other contemplated appointments. My duties here will terminate on the 10th proxim, (June), immediately after which, I hope to see you in Kingston.

EGERTON RYERSON.

COBourg, 12th of April, 1844.

Things remained in this somewhat uncertain state, until the 27th of May, 1844, when Doctor Ryerson decided to take part in the Metcalfe Ministerial Controversy. On that day he therefore issued the following statement on the subject:—

I was about entering upon the peaceful work—a work extensive and varied beyond the powers of the most untiring and vigorous intellect—a work down to this time almost entirely neglected—of devising and constructing (by the concurrence of the people, through their District Councils) a fabric of Provincial Common School Education—of endeavouring to stud the land with appropriate School-Houses—of supplying them with appropriate Books and Teachers—of raising a wretched employment to a honourable profession—of giving uniformity, simplicity,



and efficiency to a general system of elementary educational instruction—of bringing appropriate Books for the improvement of his profession within the reach of every Schoolmaster, and increased facilities for the attainment of his stipulated remuneration—of establishing a Library in every District, and extending branches of it into every Township—of striving to develop by writing and discourses, in Towns, Villages and Neighbourhoods, the latent intellect, the most precious wealth of the Country—and of leaving no effort unemployed within the limited range of my humble abilities, to make Western Canada what she is capable of being made, the brightest gem in the Crown of Her Britannic Majesty.

Such was the work about to be assigned to me; and such was the work I was resolving, in humble dependence upon the Divine aid, to undertake; and no heart bounds more than mine with desire, and hope, and joy, at the prospect of seeing, at no distant day, every child of my native land in the School-going way; and every intellect provided with the appropriate elements of sustenance and enjoyment; and of witnessing one comprehensive and unique system of Education, from the a, b, c, of the child, up to the matriculation of the youth into the Provincial University, which, like the vaulted arch of heaven, would exhibit an identity of character throughout, and present an aspect of equal benignity to every sect, and every party upon the broad basis of our common Christianity. (*The Story of My Life*, page 349).

After Sir Charles Metcalfe had received the Despatch from Lord Stanley the Colonial Secretary of the 1st of July, (page —, *ante*) he directed Mr. Higginson to communicate to Doctor Ryerson his wish that he would reconsider the question of his appointment to the place about to be vacated by the Reverend Robert Murray. This Mr. Higginson did. On the 26th of July, Doctor Ryerson wrote to Mr. Higginson and, in his Letter, said:—

I have the honour to acknowledge the receipt of your favour of the 20th instant. . . .

As to myself, when I commenced this discussion, I did not know what would be my own fate in respect to it. I wished at least to do my duty . . . I thought it would probably be advisable, and even necessary, for me to resign my office, (as Principal of Victoria College), which I then held. . . . I did not do so, however. I, therefore, retained my place. I do so still; and I think I had better do so for a few months longer. . . .

If possible I should like to cross the Atlantic, and examine the various methods of teaching,—of elementary School Books, and the mode of using them,—of libraries,—of the entire system of government and its working, in Grammar, Classical and other Public Schools in England, Scotland, and on the Continent of Europe.

It has been by personal observation, (in addition to general reading), of the proceedings of Parliament, and various Law Courts in England . . . that I have been enabled to understand and elucidate the whole system of the British Government. I should like to be able to do the same, in respect to the whole theoretical and practical system of British and European Education,—from the national elementary Schools, up to the Universities. This cannot be done by mere reading. It can only be well done by means of personal examination. For that I had no opportunity when in England last. I would like to supply that decideratum. I believe I could turn it greatly to the account of this Province . . . I think it would be time well employed. A practical acquaintance with the results of European intelligence and experience, in regard to books, libraries, training of Teachers management of Schools, etcetera, would place me upon strong ground . . . and would be of immense service to me in the vast undertaking proposed by His Excellency. . . .

I would propose to go to Europe . . . on behalf of Victoria College and procure a suitable Library and Apparatus with such private commendations and assistance as the Government could give me,—as Sir John Colborne gave me on a former occasion.\*

And while promoting that object, I would accomplish the great object to which I have above referred. . . .

EGERTON RYERSON.

CORBORG, 26th of July, 1844.

Further correspondence with Doctor Ryerson, in regard to his appointment was not resumed until September, when the following Letter was written to Doctor Ryerson by Mr. Higginson:—

\*i.e. in 1835. See page 242 of the Second Volume of this Documentary History.

We find a great difficulty in making a provisional arrangement for the Educational duties. The University Authorities require the immediate services of a Mathematical Professor, and His Excellency proposes Mr. Murray for the Office, which will, it is hoped, be a satisfactory arrangement to all parties; but Mr. Murray cannot hold both positions, even for a time. Under these circumstances it appears to be worthy of consideration, whether your appointment ought not to take place at once, which would not, of course, interfere with your projected visit to Europe in November, next, when it might be easier to make some proper temporary provision for the performance of your duties during your absence. His Excellency is aware that you were in favour of deferring your nomination until after your return from Europe; and if you should adhere to this opinion, you may, perhaps, be able to suggest some means of meeting the apparent difficulty.

J. M. HIGGINSON.

KINGSTON, September the 7th, 1844,

The reply to this Letter is not among Doctor Ryerson's papers, but Mr. Higginson wrote to him in reply to one from him as follows:—

His Excellency has scarcely had time to consider your proposal; but it strikes him that there will be an awkwardness in it that cannot be got over, except by your being gazetted to the Office. He entirely approves of Mr. Macnab's being nominated to act during your absence when you go to Europe.

KINGSTON, 13th of September, 1844.

J. M. HIGGINSON.

There is no copy of Doctor Ryerson's reply of the 14th of September to this Letter among his papers. Mr. Higginson, however, wrote to him on the 18th of September, as follows.

I have had the pleasure to receive and lay before His Excellency your valuable Communication of the 14th instant.

You will have learned from my last Note, that Sir Charles approved of all your suggestions, except the non-announcement of your appointment as Superintendent.

As you see reason to alter your opinion on this point, the difficulty is removed; and you shall be gazetted in the last week of the month, as you propose; and when you visit Europe, Mr. Macnab can be nominated to officiate, during your absence.

I do not foresee any objection to your being charged with instructions to enquire into and report on educational matters, for the information of the Provincial Government.

Mr. Murray's appointment to the Mathematical Chair in the University of King's College, ought to give satisfaction.

J. M. HIGGINSON.

KINGSTON, 18th of September, 1844.

#### THE REVEREND ROBERT MURRAY'S APPOINTMENT AS PROFESSOR OF MATHEMATICS IN THE UNIVERSITY OF TORONTO, 1844.

The vacancy in the University of King's College—that of Mathematical Professorship—to which Mr. Higginson refers, in his Letter of the 12th of April, 1844, arose in this way:

After the Corner Stone of King's College University was laid in April, 1842, Sir Charles Bagot, the Chancellor, arranged for the selection in England of Professors to fill the necessary Chairs. In December of that year he informed the Council of King's College that he had nominated, among other Professors, Mr. Richard Potter, M.A., of Cambridge University, as Professor of Mathematics and Natural Philosophy in that Institution.

When the salaries of the several Professors in King's College University were fixed by Statute of the University at the rate suggested by Sir Charles Metcalfe, the Chancellor, in November, 1843, Mr. Potter objected to his salary being reduced by £50 a year below those of two of the Professors, and stated that he had,—

Accepted the Professorship of Mathematics in the University, on the assurance of Lord Lyttleton, in these words: that, "undoubtedly the Mathematical Professorship was on a level with that of any others in the University."

Mr. Potter, therefore, on the 4th of April, 1844, resigned his Professorship in King's College University and returned to England in the autumn. On Mr. Potter's resignation having been accepted by Sir Charles Metcalfe, the Chancellor, he, on the 13th of May following, addressed the following Letter to Lord Stanley, the Colonial Secretary:—

A Professor of Mathematics and Natural Philosophy, being required for the University of King's College at Toronto, I beg leave to recommend that one may be selected and sent out from the United Kingdom.

I submit a Memorandum relating to the duties, vacations, and emoluments of the office, for the information of such gentlemen as may be disposed to undertake it.

It is necessary that the Gentleman who may be appointed, should be at Toronto, ready to commence his duties on the first Thursday in October, when the Michaelmas Term begins.

*Cæteris paribus*, it is very desirable that the Gentleman selected should be of the Church of Scotland, or Presbyterian, for there is a great clamour against the University, especially on the part of the Presbyterians, on account of the almost exclusive possession of the University offices by Church of England men.

The object in selecting a Member of the Church of Scotland would, in some degree, be attained, by the nomination of any one not of the Church of England; but a Church of Scotland man is the most desirable, because the Presbyterians form a numerous and influential Body in the County and are, more than any others, not only dissatisfied with the present arrangements in the University of King's College, for the reason above noted, but are also bent on having a share in the management of the Institution, and the advantages thereto attached. It appears to me very advisable that their expectations should be gratified; as any confirmed exclusiveness in the Institution will mar its utility and produce extensive discontent.

I need hardly allude to the other qualifications which the Professor ought to possess. A thorough knowledge of the subjects on which he is to lecture, is, of course, indispensable. And it is important that he should also have evidence of knowing them, of which the attainment of high University Honours would be a signification. It is essential that he should have been in the habit of teaching, or delivering lectures, either as a private, or public, Tutor, or as a Professor; and a Gentleman, who has facility in communicating knowledge would be more valuable than one of higher attainments, who could not readily explain and illustrate his subject. He ought not to be eccentric in his habits, or manners, and especially not irritable in temper.

C. T. METCALFE.

KINGSTON, 13th of May, 1844.

On the 4th of April, 1844, Mr. Potter resigned his Professorship in King's College University. On the 10th of that month, Mr. Higginson, Private Secretary to the Governor General, wrote to Doctor Ryerson, (page 109), expressing the hope that some arrangement might be devised, satisfactory to him, so as to obtain his co-operation in promoting the intellectual improvement of the Country. This overture was evidently declined by Doctor Ryerson, as intimated in the statement which he published at the time, and which is printed on pages 109, 110, herewith.



In the mean time, an arrangement was made, as intimated by the Honourable Isaac Buchanan, on page 211 of the Fourth Volume of this History, by which Mr. Murray was transferred to the University, and Doctor Ryerson appointed in his place; for, on the 8th of June, 1844, Sir Charles Metcalfe addressed the following additional Despatch to Lord Stanley, the Colonial Secretary:—

If no steps, requiring completion, have been taken under Your Lordship's orders, in consequence of my recent application (of the 13th of May) for the selection of a Member of the Church of Scotland to be a Professor in King's College University, at Toronto, I would beg leave to request that, for the present, that matter may be suspended, as there is a prospect of my being able to fill the Chair about to be vacated, not only in the manner proposed in my application, but also with additional benefit to the public interests.

C. T. METCALFE.

KINGSTON, 8th of June, 1844.

To these Letters from the Governor General, the Colonial Secretary replied:—

I have received your Despatches of the 13th of May and of the 8th of June, on the subject of the appointment of a Member of the Church of Scotland to the Professorship of Mathematics and Natural Philosophy in the University of King's College, at Toronto.

In compliance with the request contained in the first of those Despatches I was on the point of applying to the Heads of the respective Universities in Scotland, to recommend, for my selection, competent persons to fill that situation, when I received your second Despatch, stating the probability that you may be able to find within the Province a fit person for the Office.

I shall, in consequence, take no further steps in the matter until I hear again from you.

LONDON, 1st of July, 1844.

STANLEY.

On the 25th of September, 1844, Mr. Higginson, Private Secretary to Sir Charles Metcalfe, informed the Council of King's College that the Chancellor of the University had appointed the Reverend Robert Murray to be Professor of Mathematics and Natural Philosophy in the University, in the place of Richard Potter, Esquire, M.A., resigned.

#### DOCTOR RYERSON'S APPOINTMENT AS ASSISTANT SUPERINTENDENT OF EDUCATION FOR UPPER CANADA, ON THE 28TH OF SEPTEMBER, 1844.

The Reverend Robert Murray, M.A., having, on the 25th of September, 1844, been appointed by His Excellency the Governor General, as Chancellor, to the Professorship of Mathematics and Natural Philosophy in the University of King's College, the Reverend Doctor Ryerson was appointed to Mr. Murray's place on the 28th of the same month. The following is a copy of the Provincial Secretary's Letter, informing Doctor Ryerson of his appointment:—

I have the honour, by command of the Governor General, to acquaint you that the passing of the late School Act, 7th Victoria, Chapter 29,\* having made considerable alterations in the Common School System for Canada West, and the appointment of the Reverend Robert Murray to a Professorship in King's College, having rendered it necessary for His Excellency to name a successor to him in his Office of Assistant Superintendent of Education in that part of the Province, His Excellency has been anxiously alive to the necessity of obtaining the services of a Gentleman duly qualified to fill a situation of such importance to the rising generation there; and, after full deliberation and enquiry, has selected you, believing that your qualifications and talents peculiarly fit you for the important duties which you will be called upon to discharge.

\* Page 251 of the Fourth Volume of this Documentary History.

His Excellency has no doubt that you will give your best exertions to the duties of your new Office, and that you will lose no time in devoting yourself to devising such measures as may be necessary, to provide proper School Books, to establish the most efficient system of instruction, to elevate the character both of Teachers and of Schools, and to encourage every plan and effort to educate and improve the youthful mind of the Country, and His Excellency feels assured, that your endeavours, in matters so important to the well being of the rising youth of Western Canada, will be alike satisfactory and beneficial to the Public, and creditable to yourself.

I am to add that, as it is necessary that Mr. Murray should be relieved as early as possible from his present duties, so as to enable him to prepare for these which have now devolved on him, before the opening of the Session of King's College, His Excellency has been pleased to direct you, with your earliest convenience, to receive over the Books and Papers of the Education Office, which Mr. Murray has been directed to hand to you.

D. DALY, Secretary.

KINGSTON, 28th of September, 1844.

Doctor Ryerson's Letter of acceptance of this appointment was as follows:—

I have the honour to acknowledge the receipt of your Communication of the 28th ultimo, informing me, that, in consequence of the appointment of the Reverend Robert Murray to a Professorship in King's College, His Excellency has been pleased to nominate me to the Office of Assistant Superintendent of Education for Canada West; expressing his Excellency's conviction of my fitness for the discharge of its duties, and His sanguine hopes of my success; directing my attention also to the chief objects of my appointment; and instructing me to relieve Mr. Murray as early as possible from his present duties.

I have already relieved Mr. Murray; and I improve the earliest opportunity of expressing my deep obligations to His Excellency, for the selection which He has been pleased to make, and for the very flattering terms in which his decision has been communicated to me. In obeying the call of the Representative of the Sovereign to undertake so important a Department of the public service, I feel myself utterly unable to fulfil the high expectations which His Excellency has been pleased to express. I have only to assure His Excellency, with all my heart, that, by the Divine Blessing, I will do what I can.

His Excellency has been pleased to instruct me to lose no time in devoting myself to devising such measures as may be necessary to provide suitable School Books; to establish the most efficient System of Instruction; to elevate the character both of Teachers and of Schools; and to encourage every plan and effort to educate and improve the youthful mind of the Country.

Believing that mere theorists are not the best practical men, and feeling that theory would be an insufficient and unsafe guide in a work so delicate, so comprehensive and so important; and that, with a view of accomplishing so difficult and varied a task, it will be of great advantage, if not essentially requisite, in addition to a practical knowledge of Canadian Society and Institutions, and some acquaintance with American School Systems, to examine the Educational Systems of the most enlightened nations of Europe, from the Primary Schools up to the Universities; thus bringing to the undertaking the results of both European and American experience. To render such an investigation practically beneficial, personal inspection, in addition to the perusal of books, is necessary.

Such a tour of personal enquiry, I propose to undertake. About a twelvemonth since, I expressed to His Excellency my wish to visit Europe for literary purposes, and with a special view of procuring a Library and Philosophical Apparatus for Victoria College. Having some time since submitted these objects to the consideration of His Excellency, he was pleased to express his cordial approbation of them, and his wish to promote them in every way in his power. I have understood that my appointment to office would not prevent my heretofore contemplated visit to Europe, but would render it still more desirable and important. I propose, therefore, without abandoning the original object of my visit, to employ several months in investigating the practical workings of the Educational Systems, at least in England, Scotland and Prussia, and the most celebrated Schools, Academies and higher literary Institutions in other Kingdoms of Europe, including educational endowments and resources, Text Books and Apparatuses of instruction, Systems of Teaching and Discipline, Normal and Model Schools, support of Teachers Libraries, etcetera.

In Prussia, School Teaching is a profession, as much as that of Law or Medicine; School Teachers are professionally educated, and supported like other public servants; popular control is very much blended with that of the Crown; and the whole system is managed with great economy. But a personal examination of Prussian Schools, as well as those of other European systems of Elementary and higher Schools, is essential to a practical knowledge of them. I

believe that an enquiry, such as I have proposed, will be of advantage to Western Canada in every view of its Educational interests; and that the time thus occupied will be beneficially employed.

In the meantime I propose to provide for the performance of the duties of my Office, and to prosecute my preliminary enquiries in Europe, without a farthing's additional expense to the Public.

It is, therefore, with an earnest desire to avail myself of every advantage derivable from the experience of Nations, in aid of my humble abilities, to promote, for my native Country, a System of Education, and facilities for intellectual improvement, not second to those of any other Country in the world, that I apply for permission to visit Europe for the objects, and upon the conditions, above specified.

EGERTON RYERSON.

COBOURG, 2nd of October, 1844.

#### THE EDUCATION OFFICE PAPERS TRANSFERRED TO DOCTOR RYERSON.

Immediately after his appointment on the 28th of September, 1844, Doctor Ryerson wrote the following Letter to the Reverend Robert Murray at Kingston, in reply to one received from him:—

I have the honour to acknowledge the receipt of your Letter of yesterday, stating that you had received official instructions to hand over to me the Books and Papers of the Education Office for Canada West, and requesting me either to receive them personally, or to direct you how to dispose of them.

I have authorized the Reverend Alexander Macnab, the bearer of this Note, to receive them on my behalf. I will thank you, therefore, to hand them over to him; and I will be much obliged to you, if you will have the kindness to give him such information as your circumstances may permit relative to the affairs of the Office, and the system which has been heretofore adopted in the performance of its duties.

COBOURG, 1st of October, 1844

EGERTON RYERSON.

#### DOCTOR RYERSON'S LEAVE OF ABSENCE TO VISIT EUROPE.

The request made to the Government by Doctor Ryerson, in his Letter to the Provincial Secretary, of the 2nd of October, 1844, having been granted, permission was given him to visit Europe, for the purposes mentioned in that Letter. Doctor Ryerson then wrote to Assistant Secretary Hopkirk, as follows:—

I have the honour to acknowledge the receipt of your Letter of the 11th instant, communicating His Excellency's gracious permission of leave of absence, in order to visit Europe; with the understanding that it will not cause any increase of expense to the Province; also directing me to submit the plan which I contemplate for the performance of the duties of my Office during my absence.

I beg to express my sincere thanks for His Excellency's indulgence in this instance; assuring His Excellency that I will employ no time more than what is necessary to accomplish the inquiries proposed,—not twelve months under any circumstances.

I beg most respectfully to nominate the Reverend Alexander Macnab,—a Gentleman well qualified—to perform the duties of my Office during my absence.

I would also submit whether the Education Office of Correspondence may not hereafter be at Cobourg instead of Kingston. Cobourg is quite as central for Canada West as is Kingston, and is much more convenient for myself.\*

EGERTON RYERSON.

MONTREAL, 16th of October, 1844.

The *Canada Gazette* of October, 1844, contained an announcement of Doctor Ryerson's appointment, as follows:—

\* This transference of the Education Office from Kingston to Cobourg was authorized by the Governor General, as intimated to Doctor Ryerson in the following Note from Mr. Higginson: "His Excellency desires me to state that there can be no objection to the Education Office being fixed at Cobourg for the present."



His Excellency the Governor General has been pleased to appoint :—

The Reverend Egerton Ryerson, D.D., to be Assistant Superintendent of Education for that part of the Province formerly Upper Canada, in place of the Reverend Robert Murray, M.A., appointed a Professor in the University of King's College ; and all Communications connected with the Education Office for Upper Canada are to be addressed to him at Cobourg.

By command.

D. DALY,

SECRETARY'S OFFICE, MONTREAL, 18th of October, 1844.

Secretary of the Province.

After receiving this note Doctor Ryerson issued the following Notice :—

The Undersigned, having been appointed Assistant Superintendent of Education for Canada West, is authorized to request that all Communications intended, either for the Chief, or Assistant, Superintendent of Education for Canada West, be addressed to the Education Office, Cobourg, and not to Kingston, as heretofore.

The undersigned, having obtained leave of absence, in order to examine the principal Educational Systems, and most celebrated Normal and Model Schools of Europe, the Reverend Alexander Macnab has been authorized by His Excellency the Governor General to perform his duties in his absence.

It is therefore requested, that all Communications for this Office be addressed, until further notice, to the Reverend Alexander Macnab, Acting Superintendent for Education for Canada West.

EGERTON RYERSON.

EDUCATION OFFICE, COBOURG, 22nd of October, 1844.

#### REVEREND DOCTOR RYERSON'S LETTER OF EXPLANATION IN REGARD TO HIS APPOINTMENT AS ASSISTANT SUPERINTENDENT OF EDUCATION.

Some years after Doctor Ryerson had received his appointment as Assistant Superintendent of Education for Upper Canada—the Provincial Secretary being by Law, Chief Superintendent,—he decided to issue the following explanatory statement, in regard to the circumstances which led to his appointment :—

A [prominent public man] has stated, times without number, that the writing of certain Letters in 1844,—(all which were written under my own name)—was the price at which I obtained my present Office.

To this charge, though made and repeated so often, during fourteen years, I have never before replied. But, I may now [in 1858] remark that it is without the shadow of truth.

From 1824 to 1844, I had been identified with the question of Equal Rights and Privileges among all Religious Persuasions,—a question which was the question of questions during the greater part of that period. When I commenced discussing that question, (at the age of 22 years,) most of the Religious Persuasions of the Country could not only not be married by their own Clergymen, but they had no authority, by law, to hold a bit of ground, on which to build a Church, or in which to bury their Dead. As far as I know, I was the first Writer that ever opposed, upon legal, constitutional and equitable grounds, the establishment of a Dominant Church in Upper Canada, and advocated the placing of all Denominations of Christians upon an equal footing.

What were the trials of those days, and how I acquitted myself under them, is known to many old inhabitants of the Country, though unknown and uncared for by . . . some new comers.

I was afterwards Editor, at different times, [of the *Christian Guardian*,] during nine years (between 1828 and 1841,) and, as such, strongly advocated the views of my earlier years.

Being the Editor of that paper in 1838 and 1841, I opposed the party persecution and proscription of "Reformers," in consequence of the events of 1837, especially the treatment received by the Honourable Marshall Spring Bidwell ;—conferred with Lord Durham on the State of the Country, and advocated his equitable and remedial measures ;—was the first Editor in Canada to receive and publish the prominent facts of Lord Durham's Report, and I lent Mr. Francis Hincks both the type and copy for printing the same in his (Toronto) *Examiner*,—then just established.

I afterwards aided Lord Sydenham in the Canadian Legislative settlement of the Clergy Reserve Question ;—on his death I wrote, sketched and vindicated the character of his Canadian Administration, as I did that of his successor—Sir Charles Bagot—illustrating by examples from the Histories of Greece, Rome and England, the wisdom and patriotism of Sir Charles Bagot's course in seeking to obliterate past party distinctions in Canada, and in treating all parties and individuals alike, according to their present conduct,—without reference to their former party associations, or connection with the events of 1837 and 1838.

At the time of the death of Sir Charles Bagot, in May, 1843, the Administration of Messieurs Lafontaine and Baldwin was in power, and the question of the then King's College and Common Schools were under consideration. An Act, (that of 1843,) was passed, respecting the latter ; and the former [the Baldwin University Bill] was yet undisposed of, when that Administration resigned on the 27th of November, 1843. It was nevertheless still determined by the Government to settle the King's College Question upon equitable and liberal principles ; and I was consulted by the Governor General, Sir Charles Metcalfe, on the subject in February, 1844.

While I expressed my views on that question, I endeavoured to impress upon the Head of Government the still greater importance of doing something to meet the more pressing and extensive educational wants of the people at large. My views were considered important and practicable,—so much so, that, in a second interview which I had with the Governor General, a desire was expressed that I would undertake to give them effect ; and I was informed that the appointment to the Office of Assistant Superintendent, under the then new Act had not been made, upon the ground that the Government were desirous if possible of making a more efficient arrangement than had been made in 1842 for the interest of Common Schools in Upper Canada.\*

The subject was new to me, except that, in 1841, Lord Sydenham had intimated the same thing in regard to myself, a few days before the occurrence of the accident which terminated his life ; but I had mentioned it to no Member of his, or the succeeding, Government,—having no need of Office, and never having asked a personal favour of any Government in my life. My reply was, that if the Office were offered to me, I would lay the subject before the Authorities of my Church, and, if they consented, I would undertake the task, provided an arrangement was made in accordance with the wishes and interests of the Gentleman who had acted as Deputy Superintendent of Schools under the former Act (of 1841). I may add, that one reason assigned for offering the Office to me,—apart from any personal views and supposed fitness,—was, that it would show to the Country that the principles of Equal Rights and the interests to all Religious Denominations would be the rule of Government in educational matters, and not the principles of high churchism, as was represented.

A few days afterwards I received an Official Letter, tendering to me the Office. That Letter I laid before the collected Executive Authorities of my Church ; and they unanimously approved of my accepting it.

Now all this occurred [in February and March, 1844]—several weeks before I wrote, or thought of writing a line upon any public question then agitated. And when I did decide to do so, (for to me imperative reasons which I publicly assigned at the time), [on the 27th of May, 1844, page 109, *ante*,] I decided, without consulting any human being ; and I believe no man in Canada was more surprised at it than the Head of the Government. I then declined accepting the Office which had been offered me, desiring the Government to exercise its own discretion without reference to me to fill up the Office or not,—but avowing that, at any future period I would accept it only on three conditions :—

*First*, That the wishes, as well as the interests of Mr. Murray,—the Gentleman who had performed the duties of the Office under the former Act—should be consulted ;

*Secondly*, That the people of Upper Canada should approve of that administration of the Royal prerogative which regarded merit, irrespective of sect, or party, as the rule of selection for the public service ; and

*Thirdly*, That I should devote a year to preliminary inquiry and investigation, before committing the public, or myself, to any measures, with a view of establishing an efficient School System in Upper Canada.

I may have been rash, or wrong, in the course which I pursued ; but such are the facts, as the Correspondence published at the time stated, and, as can be shown by other Correspondence still preserved.

When I commenced my appeal to the people of Upper Canada, in May, 1844, the feelings of more than three-fourths of them were clearly opposed to mine ; three months afterwards, they elected three-fourths of their Representatives possessing and professing the views which I had advocated.

\* See note on this subject, on page 106, *ante*.



In the meantime a King's College Mathematical Professorship became vacant,—a situation which the Gentleman, who had been appointed in May, 1842, Deputy Superintendent of Education for Upper Canada, under the School Act of 1841, said that such an appointment had been the highest ambition of his life, and, for qualifications for which, he presented the highest testimonials, and which secured to him more than One Hundred pounds increase of salary.

After Mr. Murray's appointment to that Professorship, and near the close of the elections, in the Autumn of 1844, I was called upon to decide whether, under the circumstances, I was now willing to undertake the task of establishing and superintending a System of Elementary Education for Upper Canada. Seeing the indorsement of my views by the elective voice of Upper Canada, as also that my appointment could injure no man, I could not hesitate as to my duty; and I trust that in the prosecution of my work, from that time to this, I have developed and given practical effect to these principles of free government and equal and impartial justice to all parties and classes, which characterized the writings of my previous public life. . . .

TORONTO, December, 1858.

EGERTON RYERSON.

#### APPOINTMENT OF MR. JOHN GEORGE HODGINS TO THE EDUCATION OFFICE, 1844.

On the 3rd of August, 1846, when the Reverend Doctor Ryerson wrote to the Honourable Dominick Daly, Secretary of the Province, recommending that my provisional appointment, in September, 1844, as Clerk in the Education Office for Upper Canada, be confirmed, he said:—

On my appointment to office in the Autumn of 1844, (September,) I applied to His Excellency, Lord Metcalfe, through Mr. Civil Secretary Higginson, for permission to appoint a Clerk in the Education Office, intimating that, in the event of obtaining that permission, I intended to employ a worthy young man, by the name of John George Hodgins, from Dublin, but who had been resident in this Province from his early youth, [1833,] ; and that, should Mr. Hodgins, on trial, be found competent, I would, on a future occasion, formally submit his name for the office. My request was granted by His Excellency.\*

While in Europe, in 1844, 45, an opportunity presented itself for procuring for Mr. Hodgins the means, without charge, for instruction, of acquiring a practical knowledge of the Irish System of National Education. I accordingly wrote to Mr. Hodgins from Paris in March, 1845, advising him to prepare himself for greater efficiency in the Provincial Education Office and for greater usefulness in Canada, by passing through the prescribed course of instruction in the great Normal School in Dublin, and acquainting himself with all the practical details of the Governmental Office there, and the System of Elementary Instruction in Ireland. Mr. Hodgins has done so,—making the voyage across the Atlantic at his own expense. He has also visited the principal Normal and Model Schools in Glasgow, Edinburgh and London, and has even prosecuted his enquiries in Paris,—having brought with him, on his return in 1846, (prepared by himself,) plans of the Normal and Model Schools in Dublin and other places.

I herewith annex the Certificates of Messieurs Maurice Cross and James Kelly, Secretaries of the Commissioners of the Irish National Board of Education, and of Robert Sullivan, Esquire, LL.D., Professor and Head Master of the Irish National Normal School in Dublin, under whose immediate instruction Mr. Hodgins placed himself. . . .

I have, therefore, great pleasure in recommending that Mr. John George Hodgins be now appointed Clerk of the Education Office of Upper Canada.

EGERTON RYERSON.

TORONTO, 3rd of August, 1846.

\* This assent having been given through the Private Secretary of the Governor General, Doctor Ryerson addressed an official Letter on the subject to the Honourable D. Daly, Provincial Secretary. A reply to this Letter was received from the Secretary, in November, 1844, by the Reverend Alexander Macnab, Acting Superintendent of Education, during Doctor Ryerson's absence in Europe, as follows:—"I have the honour, by command of the Governor General, to acknowledge the receipt of your Letter of the 24th ultimo, representing the necessity which exists for the services of a Clerk in the Education Office, and recommending the provisional employment of Mr. John George Hodgins in that capacity, and to inform you, in reply, that His Excellency has been pleased to approve of the temporary appointment of Mr. Hodgins to the Office in question, at a salary of One Hundred and Seventy Five pounds, (£175, currency, per annum.

D. DALY, Secretary.

KINGSTON, 18th of November, 1844.



ENCLOSURES :—*Certificates from Professor Sullivan, and the Irish National Board of Education.*

1. *From Professor Robert Sullivan, LL.D., T.C.D.*

To J. George Hodgins, Esquire :—It gives me great pleasure to be able to certify that you have made yourself perfectly acquainted with the principles of the System of National Education which has been established in Ireland, and with the working of it in all of its details, and in the Training and Model Schools of this Establishment.

From your great zeal in the cause of Popular Education, and your intimate knowledge of the subject, in all its bearings, I am confident that you will prove yourself to be a most useful and most distinguished auxiliary to the eminent and excellent gentleman,—the Reverend Doctor Ryerson,—to whom I owe the pleasure of your acquaintance.

With best wishes for your happiness and success in the wide field to which your labours are destined,—in which my colleagues : the Reverend Professor McGauley, Mr. John Rintoul, Mr. Thomas Urry Young and all my other fellow-labourers join, I remain, My dear Sir, Your Sincere Friend,

ROBERT SULLIVAN, LL.D., and Professor.

NATIONAL EDUCATION OFFICE, DUBLIN, 13th of May, 1846.

P.S.—The Resident Commissioner, the Right Honourable Alexander Macdonell, has requested me to convey to you his kind regards and best wishes for your success. R. S.†

2. *From the Secretaries of the Irish National Board of Education, Dublin :*

To J. George Hodgins, Esquire :—We are to state that, in compliance with the request of the Reverend Doctor Ryerson, you have been permitted to spend some time in the several Departments of the Official Establishment of this Institution,—a privilege of which you readily availed yourself. We are, etcetera,

NATIONAL EDUCATION OFFICE,  
DUBLIN, 14th of May, 1846.

MAURICE CROSS, } Secretaries of the National  
JAMES KELLY, } Board of Education.

REVEREND DOCTOR RYERSON'S EDUCATIONAL VISIT TO EUROPE IN 1844-1845

Before leaving for Europe, at the end of October, 1844, Doctor Ryerson received the following Note from Mr. J. M. Higginson :—

I have the pleasure to enclose a Letter of introduction from His Excellency, Sir Charles Metcalfe, to Lord Stanley, the Secretary of State for the Colonies, and Letters to old friends of his ; also mine to Mr. (afterwards Sir) Charles Trevelyan of the Treasury, and to Mr. Mangles, M.P.—one, or both, may be the means of being of service to you.

J. M. HIGGINSON.

MONTREAL, 29th of October, 1844.

\*In a Letter to Doctor Ryerson from Mr. Hopkirk, the Assistant Secretary, West, dated the 11th of August, 1846, this recommendation was approved, as follows : "I am to acquaint you, in reply to your letter of the 3rd instant, that His Excellency has been pleased to approve of Mr. Hodgins' appointment, and to authorize him to enter on the duties of his office accordingly."

†During my daily visits to the Education Department in Dublin, I formed a most agreeable acquaintance with the Right Honourable Alexander Macdonell—a relative of Bishop Macdonell, of Kingston. That this feeling was reciprocated by Mr. Macdonell, is shown by the following extract from Doctor Ryerson's Letter to me, dated, "Paris, August 23rd, 1855," in which he said : "Chief Justice Robinson, (with whom and Captain Lefroy we breakfasted in London,) told me that Mr. Macdonell, of the National Board in Dublin, mentioned you to him in very high terms." I also formed a pleasant friendship with Doctor Robert Sullivan, (Principal of the Dublin Normal School,) with the Professors and Masters, videlicet :—The Reverend Professor McGauley, Mr. John Rintoul and Mr. T. U. Young,—the latter a son-in-law of Wilderspin, and an active promoter of the system of that noted man. I also met many other distinguished men at the time,—the outside, or non-resident, Commissioners of Education, and others.—(*Legislation and History of Separate Schools in Upper Canada (1897), page 38.*)

On the 31st of October, 1844, Doctor Ryerson left Toronto for England. On arriving there, he presented to Lord Stanley, Colonial Secretary, Sir Charles Metcalfe's Letter of introduction, and afterwards addressed to Lord Stanley the following Letter:—\*

The great kindness and cordiality with which Your Lordship, (in the interview I was yesterday honoured with by Your Lordship), proposed to further the great objects of my visit to this Country, induce me to believe that it is due, and will be acceptable to Your Lordship, to be furnished with the Official Correspondence, which has taken place between the Governor-General of Canada and myself, relative to the objects of my appointment and my visit to Europe. I have the honour, therefore, to enclose a copy of that Correspondence which, after Your Lordship shall have glanced through it, I will be much obliged to have returned.

Your Lordship will perceive that I have provided for the performance of my duties during my absence from Canada, and also for the expense of my visit to this Country, without any additional expense to that Province.

By the Upper Canadian School Law of 1843, the Secretary of the Province is, *ex officio*, the Chief Superintendent of Education,—with an Assistant Superintendent for each section of the Province. But the Provincial Secretary takes no part in the duties of either Education Office, and each Assistant Superintendent is considered, and generally termed Superintendent of the Education Department, in his own division of the Province. This will explain to Your Lordship why the instructions contained in the notification of my appointment are addressed to me as the practical Head of the Department.

The School Act of 1843, to which I have referred, has been in operation only since last January. The attempt to connect the Department of Education with the Provincial Secretaryship (the plan of the late Executive Council) has been found impracticable in practice, as also some other provisions of the Act. But it is intended by the Canadian Government not to introduce any amendments to the Act, until after I shall have submitted to its consideration a general plan for the Education and intellectual improvement of the youth of Canada West, as the result of my inquiries and reflections.

One suggestion that I made to the Government has been highly approved of, and will doubtless be carried into effect, namely, that, instead of leaving the matter of School details altogether with the Superintendent, there should be a Board of Education appointed for Canada West, similar to the Educational Commissioners for Ireland, or the Educational Commission of the Privy Council in England.

In respect to Sir Charles Metcalfe's health, I should have added that, when I saw him, he was suffering severely from a then recent application of caustic, by Surgeon Pollock. . . . As this application affected his right eye, His Excellency wore green glasses, so that the inflammation in his eye was not perceptible to visitors. He attended to his official duties as usual; but His sufferings were very severe. . . . I do hope, with all my heart, for the best; but I cannot divest myself of apprehension, should His Excellency not be able to remain in Canada for at least a year, or two, longer. . . . But, in such an alternative, I doubt not but that Her Majesty's Government will select a Statesman, adapted by rank, talents and Parliamentary experience, for so important and eventful an emergency.

EGERTON RYERSON.

LONDON, 112 Jermyn Street,  
November the 27th, 1844.

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\* A reference to Lord Stanley, as Colonial Secretary, will be found on page 83 of the Fourth Volume of this Documentary History. See also page 113 of this Volume, *ante*.

## CHAPTER XVII.

## THE FOUNDING OF KNOX COLLEGE, TORONTO, IN 1844.

From the "Abstract of the Minutes of the Synod of the Presbyterian Church of Canada, at the Sessions in the years 1844, 1845 and 1846," it appears that the "disruption," as it was called, of the "Presbytertan Church of Canada, in connection with the Church of Scotland," took place in 1844.

## FIRST MOVEMENT IN FAVOUR OF THE EDUCATION OF FREE CHURCH MINISTERS.

On the 10th of July, 1844, the first Synod of the newly organized "Presbyterian Church of Canada" was held. Twenty Ministers were present and six Laymen, Elders. The Reverend Mark Young Stark was elected Moderator, and the Reverend William Rintoul, Secretary, or Clerk, of the Synod.

On the 11th July, 1844, the following Resolution was passed :

*Resolved*, That the Synod recommend the four Presbyteries just formed to inquire after young men of pious character and suitable gifts, who may be aiming at the Ministry, and to use all competent means for directing and forwarding their Education. The Synod also agreed to write to Students, who adhere to this Church, to report their adherence as soon as possible to the Presbyteries within whose bounds they reside. (*Synod Minutes, 1844, page 11.*)

A "Commission" having been appointed "to attend to the general interests of the Church," that Body, at a meeting held at Hamilton, in August, 1844—

On the subject of the Education of Students, instructed the Clerk to write to the Colonial Committee of the Free Church of Scotland, seeking their aid towards furthering the studies of the Divinity Students. Presbyteries were also recommended to look out for pious youths and encourage them to devote themselves to the Ministry, also to take into consideration and report their views to the Synod on the expediency and practicability of having one Seminary for liberal education, with a boarding establishment under prudent and Christian management, founded within the bounds of each Presbytery—and one or more Theological Professorships within the bounds of the Synod. (*Missionary Record, September 1844, page 12.*)

At a meeting of the Synod, held at Toronto on the 10th of October, 1844—

The Clerk read a Letter from the Reverend Doctor Robert Burns, of the Free Church, Paisley, Scotland, expressing his readiness, in certain circumstances, to devote himself to the work of instructing the Students for the Ministry in our Church. The Synod agreed to take up this Letter in connection with the subject of the Education of Students. (*Synod Minutes 1844, page 16.*)

*October 11th, 1844.*—Mr. Thomas Wardrope, Student of Divinity, and Teacher of the District Grammar School, Bytown, Ottawa, was received as a Student for the Ministry in this Church.

## ARRANGEMENTS FOR THE EDUCATION OF MINISTERS—TWO PROFESSORS APPOINTED.

*October 14th, 1844*, The Report of the Committee of the whole House, on the Education of Students, was brought up, and the same having been read and considered, and variously amended, the Synod ordained as follows :—

1. That an interim Professor of Divinity be appointed ; and that the Reverend Andrew King, M.A., (of Glasgow), be appointed to the office for the ensuing Session.

2. That there shall be a Professor of Literature and Science for conducting the studies of young men aiming at the Ministry, and that the Reverend Henry Esson be appointed to this office.



3 That the Professors be, for the present, stationed at Toronto.

4. That the Synod undertake to provide a suitable maintenance for the Professors, and make arrangements for having the Students suitably boarded.

5. That it be recommended, (as it hereby is,) to Congregations, in which there are young men of decided and approved piety, who are giving themselves to the Ministry, to assist and encourage these in their studies, as their circumstances may require.

6. That the following Members constitute a Committee on the Education of Students : videlicet, the Reverend Messieurs William Rintoul (Convener); Alexander Gale, James Harris, John Bayne and George Cheyne, Ministers, and Messieurs F. Westland, Malcolm McLellan, James Webster and William Dixon, Elders; and that their duty be to provide for the accommodation of the Professors and Students, to superintend the raising of funds,—and, generally, to watch over the Institution.

The Ministers on the Committee to constitute a sub-Committee for assisting the Professors with their counsel, in any matter regarding the Education of the Students.

The Reverend Andrew King, having been called on by the Moderator to undertake the instruction of the Divinity Students for the ensuing Session, expressed his willingness to do so.

The Reverend Henry Esson, M.A., was requested to accept the office of Professor of Science and Literature, when he craved time for consideration, before giving any answer; the same was allowed, and he was instructed to send his answer to the Convener of the Education Committee,—that Committee being authorized, in the event of Mr. Esson's declining the office, to make another appointment. The Committee on Education was also instructed to report on a suitable salary for the Professor of Science and Literature; also to report upon the Letter of the Reverend Doctor Burns, which was read at the third Session. (*Synod Minutes, 1844, page 267.*)

#### APPOINTMENT OF THE REVEREND DOCTOR ROBERT BURNS AS DIVINITY PROFESSOR.

*October 15th, 1844,* The Education Committee reported a Resolution for the adoption of the Synod, on the Letter of the Reverend Doctor Burns, and the same, having been considered and amended, was agreed as follows :—

*Resolved,* That the Synod, feeling that, in present circumstances, they are unable to decide whether their contemplated Theological Institution shall be located at Toronto, or Montréal, or what the precise and permanent arrangement of the Institution shall be, yet rejoicing to hear that there is the prospect of the Reverend Doctor Burns, of Paisley, Scotland, being settled at Toronto, as Pastor of the Church there; and being well assured of his eminent gifts and abilities, they do nominate and appoint the said Reverend Robert Burns, D.D., Minister of Free St. George's Church, Paisley, to be the Professor of Theology, and to have the charge of training the young men for the holy Ministry, this appointment being, of course, subject to any contingency arising, either from the Synod's resolving to separate, at a future time, the office of the Professor from that of the Pastor, or from such circumstances, in the progress of the Church and the condition of the public Educational Institutions of the Country as may affect the decision of the Synod, in regard to the establishment of a permanent Institution, or the locality in which it may be most advantageously placed.

And the Synod farther commission and empower the Reverend Doctor Burns, as their Professor of Theology, to collect Books, Funds and Philosophical Apparatus amongst the friends of the Presbyterian Church in Europe, so that every facility may be furnished for the education of Candidates for the Ministry; and they enjoin the Moderator to transmit an exact copy of this Minute, with a suitable Letter, to Doctor Burns, pressing it upon him to close with, and accept of, this appointment; and they further request the Reverend J. Mcnaughtan to take with him a duplicate of this Minute, and use his influence with Doctor Burns to repair to Canada at as early a day as his arrangements will admit of. (*Synod Minutes, 1844, page 27, 28.\**)

#### A RESOLUTION IN REGARD TO A PRESBYTERIAN THEOLOGICAL COLLEGE.

*October 16th, 1844,* A Report from the Committee on the Education of Students for the Ministry was read, and the same was sustained and adopted, and in terms thereof the Synod :

1. *Resolved,* That the salary of the Professor of Literature and Science shall, for the present, be £200 per annum, exclusive of house rent.

2. *Resolved,* That the Seminary be opened, if practicable, for the reception of Students, on the Fifth day of November next.

\*A Resolution was also passed at this Synod in regard to the Education of Students in Canada East.

3. *Resolved*, That the Committee be instructed to examine all such Students as may apply for admission to the Seminary, and assign those whom they admit their place in the curriculum of study.

4. *Resolved*, That the Committee shall report to the Synod, at the next ordinary Meeting the plan of a permanent Theological College.

5. *Resolved*, That the Committee be authorized to issue suggestions to Presbyteries, as to the requirements which they should seek in Students, before recommending them for admission to the Seminary, and to propose, if they shall see fit, an address to the Presbyteries, on the duty of young men of competent gifts and piety to consecrate themselves to the Ministry of the Gospel. (*Ibid.*)

NARRATIVE OF THE ESTABLISHMENT OF KNOX COLLEGE, BY THE REVEREND DOCTOR R. F. BURNS.

In the "Life and Times of the Reverend Doctor Robert Burns," by his Son, the Reverend Robert F. Burns, the following record of the establishment of Knox College, on page 245, is made :

In the fall of 1844, Knox College was established. The Reverend Andrew King, M.A., of Glasgow, afterwards of the Theological Seminary at Halifax, (who had come out from the Free Church of Scotland, as a Delegate,) was induced to remain over the Winter, and to act as interim Professor of Theology and Hebrew in the newly formed Institution. With him was associated the Reverend Henry Esson, M.A., as Professor of Mental and Moral Philosophy, Classics and General Literature.

The College was opened on the 5th day of November, 1844, with an attendance of fourteen Students. For a time it dwelt "in tents," shifting from James Street to Adelaide Street, in small unadorned edifices ; then to something better, as the Toronto Academy, which now forms part of the present Queen's Hotel, on Front Street ; thence to its present quarters in Elmsley Villa, (which afterwards gave place to the present Knox College)—a Building more in accordance with the advancing spirit of the age, and the increased wants and resources of the Presbyterian Church.

We have already noticed that Doctor Burns for a time combined the Professorship with the Pastorate of Knox Church. His first communication after deciding for Canada was in regard to Students. So soon as he arrived, he commenced arrangements for their benefit. He prevailed on the Reverend Alexander Gale to devote a month to the preparation for winter work of those who had remained in the city.

It was not until 1846 that the Seminary received the name of Knox College.

## CHAPTER XVIII.

### MISCELLANEOUS PAPERS RELATING TO EDUCATION, 1843-4.

#### CLOSING OF THE CENTRAL NATIONAL SCHOOL, TORONTO.

In 1820, the Church of England Central School was established, as the Reverend Doctor Scadding, in his *Toronto of Old*, states, on the southeast corner of the District Grammar School six acre Lot, (Adelaide and Jarvis Streets). On half an acre of this Lot a Common School House had been erected by subscription in 1818, as stated by Mr. Jesse Ketchum.\*

Here Mr. Thomas Appleton taught, until his services were dispensed with in 1820, and the School House, by direction of Lieutenant-Governor Maitland, was transferred to special Trustees, and was afterwards known, (as Doctor Scadding states,) as the "Central School," or was what would now—

Be called a Common School, conducted on the "Bell and Lancaster" principle. Large numbers frequented it. Mr. Joseph Spragg, the Master of the School, had enjoyed the superior advantage of a regular training in England as an instructor of the young.

\*For a sketch of Mr. Ketchum, see page 250 of the First Volume of this Documentary History.

Mr. Spragg's predecessor at the Central School was Mr. Thomas Appleton,\* and Mr. Appleton's Assistant, for a time, was Mr. John Fenton, who acted as Parish Clerk in St. James' Church.†

In 1844, the Government decided to discontinue this Special School, as the School Trustees of Toronto had divided the City into twelve School districts, and intended to establish Schools therein in July, 1844. The Correspondence which led to the discontinuance of this School is as follows :

LETTER FROM THE REVEREND ROBERT MURRAY TO MR. JOSEPH SPRAGGE.

I have the honour to acquaint you that I have been directed, by a Minute of His Excellency in Council, to inquire into the state of the Common Schools in the City of Toronto, in reference to the Central School, as suggested in your Letter of the 19th of December last, addressed to Captain Higginson, Private Secretary of His Excellency, and to give you directions accordingly.

I have now made the necessary inquiries, and find that the City Council and Board of School Examiners have divided Toronto into fifteen School districts ; that the Teachers have been examined and selected ; that the greater part of them are actually engaged in teaching in the City, or in the immediate neighbourhood thereof, and that the Members of the City Corporation are of opinion that the fifteen Teachers are competent to instruct all the children in the City who may be disposed to attend the Common Schools.‡ This being the case, it appears to render the continuance of the Central School in some measure unnecessary.

Besides, from the former decisions of His Excellency in Council, communicated to you on the 28th of June and 29th of July, 1843, you were given distinctly to understand that no separate allowance would be granted for the support of the Central School after the 31st of December last, and, consequently, no grant was applied for on that behalf during the last Session of the Parliament.

It was not the fault of the Provincial Executive, nor of the Legislature, that Common School Houses have not been built, as required by law, in the City of Toronto, during the two years the School Act of 1841 was in operation, nor is the City Council much to blame for not having hitherto built School Houses, provided the Teachers who have been elected are accommodated, in the meantime, with School Rooms, otherwise than by building.

Had the several District Councils in Canada West neglected to build School Houses in their respective Townships, it would have been equally reasonable for the Teachers to have insisted upon the Government paying them, not only the apportionment from the Common School fund, as is done to Toronto, but also the former Government Grant, as you desire, in the case of the Central School. But such a demand could not have been granted by the Legislature ; and it would appear equally unreasonable to do so in the case of the Central School, and for the following reasons :

1st. Every child attending the Central School, between the ages of 5 and 16 years, has a legal right to a share of the School Fund,

2nd. You state in your Letter of the 19th December to Captain Higginson, that there were then 396 children attending the Central School. But the School Fund for 396 children, at the rate fixed, amounts to £112.4.0. Again, if these children pay, on an average, one shilling and three pence per month, the tuition fees would amount to £297 per annum. This, added to the former sum of £112.4.0, gives £409.4.0 annually, which appears to be a reasonable remuneration for the branches taught in the Central School.

3rd. So long as the Toronto City Council has not provided sufficient School accommodation for the Teachers, which have been selected, by building, or otherwise, they cannot reasonably refuse to acknowledge the Central School Fund, in proportion to the number of children in attendance at it.

For these reasons, I can neither recommend the Executive Government to apply to the Legislature for a separate grant for the Central School, nor, in any way whatever, to modify the decision of His Excellency in Council to discontinue grants to the School, as communicated to you on the 29th of July last, and if you have taught beyond the term therein specified, it must have been at your own risk.

KINGSTON, 7th February, 1844.

ROBERT MURRAY.

\*The case of Mr. Thomas Appleton, whose services were then dispensed with because at the time, quite a noted one, on account of his arbitrary dismissal, as it practically was. See page 244 of the First Volume of this History, and page 136 of the Fourth Volume. † *Ibid*, pages 174-5.

‡ This information was obtained by Mr. Murray from Charles Daly, Clerk of the City Council of Toronto, in January, 1844.



ENCLOSURE : *Order in Council, re Central School, Toronto.*

Copy of a Report of a Committee of the Executive Council, dated the 30th of December, 1843, and approved by His Excellency the Governor General, on the 5th January, 1844, on a Letter from Joseph Spragge, Esquire, Master of the Central School, Toronto, for instructions respecting the continuance of that School after the 31st instant.

The Committee recommend that the application of Mr. Spragge be referred to the Reverend Robert Murray, Deputy Superintendent of Education, West, and that, if he finds the facts to be as stated, and is of opinion that it will be for the public advantage that the Central School be continued for another quarter, from the 31st instant, that he be authorized to give Mr. Spragg the necessary directions accordingly,

KINGSTON, 5th of January, 1844.

(Certified.)

E. PARENT.

## MR. SPRAGGE'S REPLY TO THE FOREGOING LETTER FROM MR. MURRAY.

I have the honour to acknowledge the receipt of your Letter of the 7th instant, which I have handed to the Reverend H. J. Grasett, Trustee of the Central School, who will write immediately to the Honourable the Provincial Secretary, relative to the School.

I beg now respectfully to state that, after my Letter of the 19th of December last to Captain Higginson, Private Secretary, was written, and his reply of the 23rd was received, informing me that the Provincial Secretary, (to whom it was referred,) would communicate to me the Governor General's determination, I considered it my duty, as also did the Trustees of the School, to continue the Central School in operation until His Excellency's determination should be made known to me, and that I should not be justified in dissolving the School previously to such determination of His Excellency's being known—thus disposing the children to be without instruction for months, when the Common Schools of the City could not be in operation, as was previously intended, to receive them; nor can they be received, it appears to me, for some months yet, nor, until then, can any of the Teachers be regularly employed by the City Council.

I beg further to respectfully observe, that the City authorities state, that they cannot legally employ their Education Fund towards the expenses of the Central School;—and, as very nearly all the children of that School have, of late years, from necessity, obtained free admission to it, very few dollars could be got from that source.

The Reverend H. J. Grasett has, on these considerations, been induced to determine to write specially to the Governor, and to represent the necessity for maintaining the Central School in operation for some time longer.

TORONTO. 19th of February, 1844.

JOSEPH SPRAGGE.

## LETTER FROM THE REVEREND ROBERT MURRAY TO MR. JOSEPH SPRAGGE.

I have the honour to acquaint you that I am again directed by His Excellency the Governor General in Council to inquire into the state of the Common Schools in the City of Toronto, with reference to the claims of the Central School, as represented by the Chairman of the Board of Trustees.

But lest these inquiries should be protracted, I consider it necessary, in order to prevent any disappointment, to state, that, whatever may be the result of these investigations, as to remuneration for the time the Central School has been kept open since the 1st of January last, His Excellency in Council has come to the final determination that, under no circumstances, is the Central School to be continued in operation beyond the 30th day of June next.

KINGSTON, 8th of April, 1844.

ROBERT MURRAY.

ENCLOSURE : *Order in Council, re Central School, Toronto.*

Extract from a Report of a Committee of the Executive Council dated 28th March, 1844, and confirmed by His Excellency the Governor General in Council on the 1st day of April, 1844.

On the Report of the Reverend Robert Murray, Deputy Superintendent of Education for Canada West, on the case of the Central School in the City of Toronto, in connection with the representation of the Reverend H. J. Grasett, Chairman of the Board of Trustees :—

The Committee recommend that there be a reference to the Superintendent of Common Schools for the City of Toronto, to enquire, whether the Teachers, who have been examined and selected, and are now teaching, are so occupied for their own benefit, and not receiving gratui-

tous profits ; and, that, if this be the case, the City Superintendent be requested further to report at what time Common Schools in the City of Toronto will be brought into operation, under the Common School Act of last Session, (1843), and that the Reverend Mr. Murray be authorized to continue, or discontinue, the Central School accordingly ; and that a sufficient sum to defray the expenses of that School, according to Mr. Murray's recommendation, be appropriated out of the unexpended balance of Common School monies for 1842 ; it being distinctly understood that, under no circumstances, is the Central School to be continued beyond the current half year.

(Certified,)

KINGSTON, 1st of April, 1844.

E. PARENT.

REPLY TO THE FOREGOING LETTER FROM MR. MURRAY BY MR. JOSEPH SPRAGGE.

I have the honour to be informed by your Letter of the 8th instant, of His Excellency the Governor General's determination in Council, that the Central School is to be continued to, and finally closed on, the 30th of June next, which, I beg respectfully to say, I will carefully attend to.

JOSEPH SPRAGGE.

TORONTO, 15th of April, 1844.

LETTER FROM THE REVEREND ROBERT MURRAY TO MR. JOSEPH SPRAGGE.

I have now to acquaint you, in reference to my Letter of the 8th of April last, that, after fully investigating the claims of the Central School, I have come to the conclusion that the allowance for the support of that School should be continued to the 30th of this current Month of June, 1844, and which shall accordingly be recommended to the Executive Government. I beg, however, to remind you that, under no circumstances, will the Government continue the allowance to the Central School beyond the 30th of this Month.

ROBERT MURRAY.

KINGSTON, 13th of June, 1844.

Account of the sundry expenses of the Upper Canada Central School for the year ending the 30th June, 1844.

Mr. Joseph Spragge, Master, salary and allowance.....	£255	11	0
Mr. James Bell, Second Master, salary.....	100	0	0
Mrs. Rebecca Sylvester, Mistress .....	50	0	0
	<hr/>		
			£405 11 0
Contingent Expenses from July to December, 1843 ....	16	0	2
“ “ “ January to June, 1844.....	15	4	9
	<hr/>		
			31 4 11

TORONTO, 30th of June, 1844.

£435 15 11

JOSEPH SPRAGGE.

AMENDMENTS TO THE COMMON SCHOOL LAW OF 1843.

Under the authority of the Common School Law of 1843, District Municipal Councils had a good deal of authority in settling local School differences, and in determining several questions arising under that Act. In many respects it was found that the Act required modification and amendment. In the following Petition of the Home District Council to the Legislature, most of these desirable amendments were pointed out. The Petition stated that :—

The various doubts and differences of opinion have arisen, under the Common School Act, as to the true meaning or interpretation of many important provisions contained in the Law, which the Council submit should be set at rest, either by amendment, or by a declaratory Enactment, a few of which the Council beg leave here to notice, videlicet :—

SUGGESTIONS IN REGARD TO DOUBTFUL POINTS OF THE COMMON SCHOOL ACT OF 1843.

It is not only doubted, but positively denied, by some of the Legal Profession, and others, that there exists any power with the Council to raise, by assessment, on the inhabitants of School districts, the necessary means for the erection and repairs of School Houses, etcetera ; and per

sons have been advised in some instances, by Gentlemen of the Legal Profession, to resist the payment of all such taxes; and the consequence is that Collectors are in doubt about taking the responsibility of enforcing the payment of such taxes.

The Home District Council, believing that they possessed that power under the Thirty Ninth Section of the District Municipal Council Act, 4th and 5th Victoria; Chapter 10, have proceeded to pass Bye-Laws, imposing such taxes, and which have not been disallowed by the Executive Government; upon the faith of which, contracts have been entered into for the erection of School Houses, etcetera, and serious consequences are likely to ensue under the existing doubtful state of affairs.

It is also a matter of doubt, and very questionable, whether any Conveyance, Assignment, Transfer, or other Writing, for holding a School House Site, other than a Deed in fee simple, can be legally taken; which is found to cause much inconvenience and delay in selecting proper Sites for School Houses, as it often happens that the most eligible, and, in some instances, the only available Site that will at all answer, is so situated that a fee simple for it cannot be obtained; and the Council suggests that a proper discretion in such matters be left with the Body, or Trust, authorized to hold School House Sites, to take and hold the same by such Conveyance, Assignment, or Instrument, as to them shall seem proper and expedient.

Again, while reference is made in the Common School Law to the oath, to be taken by School Trustees, no form of oath is pointed out, or Officer authorized to administer such oath.

#### LEGAL PROVISIONS IN REGARD TO DISTRICT GRAMMAR SCHOOLS.

In regard to Grammar Schools, it appears to the Council that, while there is a certain increasing fund set apart and applicable to the support and maintenance of such Schools, not exceeding four, (additional Schools,) in any one District, there is no clear and convenient provision for the regulation and management of any of such Schools, over and above one in a District, or for holding the Site by any Corporate Body, or Trust, whatever; and, consequently, the Home District Council feel a difficulty in disposing of the sum of above £200, placed at their control by the Governor General in Council, applicable to such purposes; and, therefore, would respectfully suggest that provision be made, enabling District Councils to regulate and manage those matters by a Bye-Law, as to them shall seem proper and expedient.

#### OFFICE OF ASSISTANT SUPERINTENDENT OF EDUCATION NOT NECESSARY.

While on the subject of Education, the Council felt bound in candour to state to your Honourable Body, (as they did by a former Address, dated 10th November, 1842,)\* that it is still their opinion that the office of Assistant Provincial Superintendent of Education may be dispensed with, without any inconvenience or detriment to the great and important object of Education, particularly since the appointment of District and Township Superintendents; and thereby save the vast expense of that Office, to be distributed among the several Districts throughout the Province.

#### CONDITION OF THE COMMON SCHOOLS IN THE MIDLAND DISTRICT, 1844

In a Report of the Education Committee of the Midland District Council, dated in February, 1844, the Committee stated:—

That, after a careful examination of the Reports from the Commissioners of Schools, throughout the various Townships, the Committee find that upwards of Two Thousand pounds (£2 000,) currency, have been expended by the inhabitants in the Midland District, for the support and maintenance of Common Schools, and that they are justly entitled to the money granted from the Provincial School Fund for the year 1843; . . .

Your Committee further beg leave to recommend that the sum of three-fourths of a penny in the pound, be levied and assessed upon all the real and personal property liable to be assessed within the Midland District, which, in the opinion of your Committee, will raise a fund for the Common Schools equal to that of the government allowance. . . .

\*This Thirty-Ninth Section of the District Councils Act was very general in its provisions, and authorized District Councils to provide for the support of Common Schools, and various other matters.

†This address stated that the duty of reporting on the state of education could be done quite as well by the Township Commissioners, who could report to the Executive Government. . . . The Council of the Home District beg to request, that the Common School Act of 1843 should be so altered, that Clergymen, or Ministers, should be ineligible for the situation of Chief Superintendent of Education.



The following is a statement of the number of days Schooling, and Apportionment of Money, as likely to be received from the Government School Fund, for the respective Townships. . .

Townships in the Midland District.	Aggregate Schooling Days in 1843.	School Fund Apportionment.		
		£	s	d
Town of Kingston . . . . .	51,058	130	6	6
Wolfe Island . . . . .	22,360	57	1	1
Pittsburgh . . . . .	26,794	68	7	9
Amherst Island . . . . .	11,032	28	0	0
Sheffield . . . . .	15,912	40	2	3
Ernestown . . . . .	79,278	202	7	0
Camden . . . . .	55,068	140	1	7
Adolphustown . . . . .	18,980	48	9	9
Loughborough . . . . .	31,668	80	16	7 $\frac{1}{2}$
Portland . . . . .	19,770	50	9	3
Frederickburgh . . . . .	66,102	168	14	6
Richmond . . . . .	47,892	122	4	9
Total . . . . .	445,914	£1,137	0	0 $\frac{1}{2}$

Apportionment of the Midland District Common School Fund to the Schools for the year 1844.

Townships in the Midland District.	Township Superintendents.	Amount of Apportionment.		
		£	s	d
Town of Kingston . . . . .	Doctor Robinson . . . . .	236	9	11 $\frac{1}{2}$
Adolphustown . . . . .	Joseph B. Allison . . . . .	29	12	3 $\frac{3}{4}$
Amherst Island . . . . .	Francis Walker . . . . .	42	13	0 $\frac{1}{2}$
Bedford . . . . .	James Barr . . . . .	9	7	0 $\frac{1}{2}$
Camden . . . . .	Reverend Paul Shirley . . . . .	155	8	11
Ernest Town . . . . .	Frederick Keller . . . . .	173	6	0
Fredericksburgh . . . . .	Doctor Wm. Hayward . . . . .	121	17	3
Kingston . . . . .	John Dunlap . . . . .	241	11	11 $\frac{1}{2}$
Loughborough . . . . .	George Rutledge . . . . .	73	19	4
Portland . . . . .	James J. McDonald . . . . .	65	14	11 $\frac{3}{4}$
Pittsburgh . . . . .	Doctor Edward J. Barker . . . . .	76	4	9 $\frac{1}{4}$
Richmond . . . . .	George H. Detlor . . . . .	109	13	6
Sheffield . . . . .	George Furrie . . . . .	38	10	10
Wolfe Island . . . . .	Edward Murray . . . . .	54	2	7
Total . . . . .		£1,428	12	6

In a farther Report to the Midland District Council, the Education Committee, referring to a Letter from Mr. John Strachan, the County Superintendent of Common School, state that—

They fully approve of the course pursued by that Gentleman, and are much gratified by the interest manifested by him; and, in accordance with this suggestion, your Committee recommend that a Model School be established in the village of Newburgh, styled a Township Model School, and that the Superintendent of that Township be recommended to establish the same. . .

In conclusion, your Committee have to state that they feel highly gratified at the change taking place in the public mind generally, in regard to the education of the rising generation, and they trust the day is not far distant when our Country will rise in the scale of intellectual existence, knowing that an enlightened community is the only sure safeguard for the permanent enjoyment of civil and religious liberty.

KINGSTON, 18th of May, 1844.

ANTHONY DENIKE, Chairman.

“VICTORIA DAY”—THE Lapsed VICTORIA COLLEGE SEPTEMBER HOLIDAY.

As intimated on page 98, *ante*, Sir Charles Metcalfe, Governor-General of Canada paid a visit to Victoria College on the 12th of September, 1843. In commemoration of this the first visit paid by the Representative of the Queen, after whom the College was named, it was decided that hereafter the Twelfth of September should be observed as a College Holiday.—“Victoria Day.” In the meantime, the Principal of the College, having taken part in a discussion which arose between Sir Charles Metcalfe and his Executive Council, a good deal of hostile feeling was aroused in the Country against him. This feeling was shared in by some of the Students attending Victoria College.

When, therefore, the next Twelfth of September, (1844), came round, this feeling showed itself in a manner described by the Principal in the following Letter on the subject, which he wrote to the Editor of the *Christian Guardian* :—

When His Excellency the Governor General honoured Victoria College with a visit on the Twelfth of September, 1843, he requested a Holiday for the Students which was, of course, granted, and to which the Students responded by three hearty cheers for His Excellency.

It was afterwards determined, with the concurrence of the College Board, that the 12th of September should be observed annually as a Holiday, in commemoration of the visit of the Representative of the Sovereign, it being also a suitable period of the Session—(about three weeks before the close)—to commence the review and preparation necessary for the semi-annual Examination.

In accordance with the course, which I have invariably pursued, never to admit, in any form, the introduction of party politics into the Institution, I thought proper, (out of respect to the Parents and Friends of the Students and Pupils of all shades of political opinions, and in order to give no advantage to zealous adversaries,) to state to the Students, the week before the then approaching Holiday, that the observance of it should be considered in perfect harmony with its original institution in September, 1843, when the Governor General was not personally opposed, or supported, by any one party in the Province, but was received by all parties, as the Representative of the Sovereign,—that no party proceedings of any description should be allowed,—and that the observance of the Day should not be considered as expressing any opinion on either side respecting proceedings and parties, which had come into existence during the last year. I intimated likewise, that, as a Board Meeting would be held on that day, the Members of the Board would dine with the Officers and Students of the College.

On the Eleventh of September, it appears that some conversation took place between certain Students respecting the propriety of hoisting the College Flag, [*i.e.*, the Union Jack,] on the following day,—some advocating, and others regarding it as a party demonstration, and as opposed to what had been stated by the Principal on the previous Saturday.

In the evening of the Eleventh, the Flag was obtained by certain Students, and was privately hoisted by two of them about five o'clock on the following morning of the Twelfth, and was shortly afterwards taken down privately by two other Students, and put into the College Library. This was the College flag—the Union Jack,—with the initials “V. R.” inscribed on it. It was not injured, except a little on one side, in taking it off the staff ;—and it had been waving over the College for several days past.

All this was done without my knowledge ; nor did I know anything of it until two or three days afterwards.

The Students who had been concerned in putting up the College Flag, then determined to make and put up one of their own. Between 8 and 9 o'clock one of them met me, on returning from a walk, and asked me if there was any objection to the hoisting of the Flag that day ! I, not

knowing anything that had taken place, replied that I had forgotten it,—but that I had no objection. He returned to the College and proceeded with others to put up, not the College Flag,—(to which I referred) but a Flag, or Streamer, made by certain Students, and expressive of nothing but their own feelings. Others, of different feelings, perceiving it, and considering it as a party proceeding, availed themselves of a suitable opportunity, and pulled it down; on seeing which, the others who had put it up came up to the rescue, and, in the scuffle which ensued, the Flag was served, as mere party things ought always to be served,—torn to pieces. This is all the Flag that was torn to pieces at the College on September the 12th, 1844.

On hearing more noise than usual in the “Third (upper) Hall,” I left the Board Meeting, which was being held in my Library, and on reaching the head of the stairs to the Hall, I found many of the Students assembled, and making a noise. I enquired the cause, and found that some of them had been putting up a Flag, while others were opposed to its being put up, assigning as a reason that “People in Town” regarded it as a party demonstration. I stated that I would not allow the expression of party feeling, on any side, in the College; that the youths holding different political, or religious, opinions should be equally protected, and that no insult to the opinions of themselves, or their friends, should be allowed from any quarter; that I had strictly acted upon this principle during the whole of my connection with the College; that no Flag belonging to Students should be used that day; that I had nothing to do with the thoughts, or opinions, of the “People in Town”; that the Flag which I understood belonged to the College was no party Flag, had not been made, or used, for a party occasion, might be appropriately used, and could not, by any intelligent person, be considered a party Flag, as it was the National Ensign, as I adduced several examples to show; that they should disperse, and not permit their harmony to be interrupted by any party proceedings. They bowed, and retired, and I heard no more of the affair for a day or two afterwards; and I intended to take no further notice of it, except to inquire who took upon themselves to put up a Flag early in the Morning, without my permission, or knowledge. It was not known to the Board who were, (thirteen in number,) sitting in the College at the time; nor did some Members of the Board ever hear it, although the news had preceded them, though they remained and lodged in the College until the evening of the 13th.

On Monday night, the 16th instant, an American Flag was hoisted on the Wall in front of the College, which was discovered and taken down by one of the Students early on Tuesday morning, and torn to tatters by the Students. This is the only National Ensign which has been destroyed by the Students of the College—an Ensign which was undoubtedly put up by some “Persons in Town,” and was regarded by all persons connected with the College as an insult to them. But the excitement in the Town was greatly increased on that day, (Tuesday), by the false statement that “the Students had hoisted an American Flag on the College Wall.” . . .

(Then follows a detailed account by Doctor Ryerson, of a riotous demonstration from the Town against the Students of the College).

Such is a brief history of the whole affair, which is now undergoing examination before certain Magistrates, and the parties concerned will be bound over to the Quarter Sessions. The foregoing statement is a mere summary of what has been given as evidence before the Magistrates. I will conclude with two or three inferences and remarks;—

1.—It is clear that no “British Flag” has been “torn to pieces” by the Students of the College; and that they have not had the slightest feeling other than to treat the British Flag with all due respect.

2.—It is also evident, that, had the Principal mentioned, in the first instance, the hoisting of the National Ensign, in connection with the Dinner, as had been done on the 12th of the previous September, nothing would have been objected to, or said, on the subject; and the opinions of “People in Town,” (who, I have not learned,) was the authority appealed to by the Students as an objection to the use of the Flag after the excitement of party feeling and party proceedings on the subject. The opinions of “People in Town,” appealed to on the subject, could not have been known, without some intermeddling with the affairs of our Collegiate household. It is notorious that the worst enemies of the College have been “People in Town.”

3.—The excellent dinner prepared on the 12th was partaken of by the Members of the Board, and the Officers and Students of the College; the Board employed the day in business, and the Students chiefly in playing cricket; nor do I think that anything would have ensued worthy of public notice had “People in Town” minded their own business.

4.—In justice to the Students of the College and their friends, and in justice to myself, on the eve of a prospective absence in Europe of several months from the Institution, and, on account of the inaccurate, and, in some Journals, grossly false statements, which had gone forth to the public, I have considered this somewhat minute and lengthened statement indispensably necessary.

VICTORIA COLLEGE, COBURG, September the 24th, 1844.

EGERTON RYERSON.



## CHAPTER XIX.

## PROCEEDINGS OF THE KING'S COLLEGE COUNCIL, 1844.\*

*January 2nd, 1844.*—Application was received from the Reverend Charles Mathews, for salary as Acting Principal of the Upper Canada College. The Council decided that, as Mr. Mathews had not received the assent of any of the proper Authorities for leaving the Colony, and did not return to discharge the duties of his Office; they could only sanction the payment of his salary, as Acting Principal, for half of the Quarter,—being the full period for which his services were rendered; and that the Bursar be authorized to pay the above to any agent of Mr. Mathews, to whom he shall have given competent power to receive the same.

*January 6th, 1844.*—A Letter was read from Doctor Christopher Widmer, Chairman of the Board of Trustees of the Toronto Hospital, offering, on the part of the Trustees, to surrender the whole of the upper floor of the Hospital to the Medical Faculty of the University of King's College for the exclusive use of the Faculty on the following conditions, videlicet:—

1. That £100 be paid to the Trustees of the Hospital, to enable them to furnish additional equipment.
2. That one shilling and three pence *per diem* be paid monthly, for each Patient of the Medical Faculty.
3. That a list of the Medical Faculty be furnished to the Hospital Trustees, so that they may be individually appointed by them to the office of Medical Attendants of the Hospital.
4. That the Members of the Medical Faculty be subject to the Rules and Regulations at present in force regarding the general economy of the Hospital, as well as any that may be enacted by the Trustees at a future period.

The King's College Council, after much deliberation on this matter, directed the Bursar to apply to Doctor Widmer's Communication, and express their regret that they cannot accede to the proposition of the Trustees of the Hospital.

*January 10th, 1844.* The Vice-President submitted the following Regulations relative to the Medical School, which were read and adopted by the Council as follows:—

1. The Medical Students of King's College University shall be of two classes, (1) those who are candidates for Degrees; (2) Occasional Students, who only attend particular courses.
2. For the first of these classes of Students, the *Testimonium* from the Faculty of Arts will be necessary, attesting their having kept six Terms, and having passed the two yearly examinations in that Department.
3. Candidates for Medical Degrees, above the age of twenty years, shall be admitted during the year 1844, without the *Testimonium* from the Faculty of Arts, on passing a Matriculation Examination in the following subjects, videlicet, the Greek and Latin Classics and Mathematics.
4. The Occasional Students shall not be admitted to the Medical School without the consent of the Professor, whose lectures they desire to attend, nor shall their attendance be continued unless with the consent of the same.
5. Students of the first class shall wear a distinctive academic habit, and shall be subject to the same discipline as Students in Arts. Students of the second class shall wear no academic habit, nor be subject to any other part of discipline in Arts than that which relates to orderly conduct.

The Vice-President reported the following recommendations in regard to the Faculty of Arts, from the University Hebdomadal Board, which were read in Council and adopted:—

1. That the requisites for the degree of B.A. shall be: having attained the standing of eleven terms; having kept nine terms by residing; and having passed the three yearly examinations, at the end of the Easter Term.
2. That candidates for the degree of B.A. above the age of 24 years, who shall have entered the University during the academic years, 1843-43, 1844-45 and 1845-46, shall be permitted to keep the Terms requisite for that Degree by examinations, instead of residence.

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\*It should be noted, as already intimated, that only the more important of the proceedings of the Council of King's College of 1844, are here recorded.

*January 31st 1844.* The following Letter was read from Mr. J. M. Hirschfelder, (and deferred) praying for permission to give lectures in the University on the Hebrew language :—

It is needless for me to call the attention of your Council to the importance of the study of such a language as Hebrew, in an University where there is a Chair of Divinity. Many of the University Students have been my pupils, and are desirous of prosecuting still further their studies in Hebrew. I, therefore, beg that the Council will allow me to give Lectures in that Language in Doctor Beaven's room, (with his consent). . . . Should the Council accede to my request, I would be satisfied with whatever terms the Council may think proper to fix, and shall look to no one but the pupils for the payment of dues.

J. M. HIRSCHFELDER.

TORONTO, January 13th, 1844.

A Letter from the Solicitor of the Council, dated the 27th of January, 1844, on the "Right of Way" in the College Avenue, claimed by certain individuals.

From this Letter it appears that the College Council did, by the hand of its Registrar, the Honourable George A. Markland, on the 18th of August, and on the 2nd of December, 1829, by two separate Documents, under the Corporate Seal of the University, grant, bargain and sell, to the Honourable William Dunbar Powell and the Honourable John Beverley Robinson, their heirs and assigns, for ever, a "Right of Way" in the College Avenue.

The Registrar was directed to apply to the Solicitor for further information on this subject.

*February 3rd, 1844.* The question of the further sale of the Land of King's College having been considered, it was moved by Doctor W. C. Gwynne and seconded by Professor Potter :—

That the Council of King's College are of opinion, that it is not expedient, at present, to dispose of sale of any more land, the property of King's College.

The Reverend Doctor McCaul moved in amendment, seconded by Doctor Beaven :

1. That a Land Committee of four Members be appointed to report on the state of the Endowment of the University, and to offer recommendations to the Council relative to the same.

2. That the following Members of the Council shall form the Land committee. The Vice-President, Doctor Beaven, Professor Potter and Doctor Gwynne. . . . (*Carried.*)

*February 13th, 1844.* No business transacted, although a Quorum was present. A Letter from the Private Secretary of the Governor General, Chancellor of the University, dated the 3rd of February, 1844, was read, but its consideration was postponed until the next meeting.

*February 17th, 1844.* The Minute of His Excellency the Chancellor, enclosed his in Private Secretary's Letter, dated the 3rd instant, and was ordered to be entered on the Minutes :—

MINUTE OF SIR CHARLES METCALFE, CHANCELLOR OF THE UNIVERSITY, IN REGARD TO THE PROCEEDINGS OF PROFESSORS CROFT AND GWYNNE, ON THE SUBJECT OF A COUNCIL QUORUM.

The continued pressure of very urgent business has hitherto prevented my coming to any conclusion on the explanations offered by Professors Croft and Gwynne, relating to the facts stated to me in a Letter from the President and Vice-President of King's College University.

2. The facts in question are the secession of Messieurs Croft and Gwynne, Professors, from attendance at the College Council, thereby preventing a Quorum being formed : and their presentation of a Petition to the House of Assembly disparaging the present constitution of the College Council.\*

3. On the first of these circumstances, it appears to me that secession from the meetings of the Council, with a view to prevent a quorum, and thus to obstruct proceedings, would be a very improper course to pursue. In all Institutions, wherein measures are regulated by a majority of votes, it becomes the duty of a minority to submit to the decision of a majority. If the minority hold themselves to be at liberty to secede, on the carrying of any Resolution unpalatable to them, no Institution could be successfully conducted under such a practice ; and, if the secession of dissatisfied Members were attended with the effect of preventing a quorum, it is obvious that the working of the Institution would be completely stopped. Messieurs Croft and Gwynne must have known that their secession would have that effect, and, therefore, wilfully produced it, which I conceive, it would need very strong grounds to justify.

4. If I rightly apprehended the defence of this proceeding, urged by those Gentlemen, they repudiate any intention of producing that effect, as a motive for their conduct, and state that they seceded, because they conceived that the Council was not legally constituted, and that they

\* A copy of this Petition will be found on page 297 of the Fourth Volume of this Documentary History See also page 238 of that Volume.

did not choose to be parties to proceedings, of which the legality was, in their opinion, questionable. I am not prepared to say decidedly whether this consideration might not be a justification of their secession, or whether the principle of the minority's being ruled by the majority ought not to have induced Messieurs Croft and Gwynne to attend the Council, as usual, and abstain from a course which could not fail to prevent a quorum, and thus obstruct the progress of College affairs.

5. Feeling that some doubt may be entertained on this question, I think it right to give Messieurs Croft and Gwynne the benefit of it, and to abstain from forming any condemnatory opinion on their conduct in that instance.

6. The Petition of these Gentlemen to the House of Assembly, in disparagement of the constitution of the College Council, appears to me to have been highly improper. It is, I suppose, the first instance that has ever occurred of two Professors of an University, or Collegiate Establishment, taking upon themselves to Petition the Legislature for changes in the constitution of that Establishment without any communication on the subject with the Superior Officers of the Institution. I cannot imagine how Gentlemen, with well regulated minds, such as I suppose to be possessed by Messieurs Croft and Gwynne, can have reconciled themselves to such a proceeding; and I cannot refrain from expressing my deep regret at its occurrence, which seems to me to have been totally unjustifiable.

7. It is obvious, that such a step, on the part of those Gentlemen, was calculated to produce discord in an Institution, wherein harmony and perfect order are essentially necessary for its respectability and efficiency. I trust, however, that the President and Vice President, and the other Members of the College Council, will overlook the affront which Messieurs Croft and Gwynne, have disavowed any intention of committing, and that the future conduct of those Gentlemen in the Council will be in that spirit of co-operation, which is perfectly consistent with a free and independent exercise of judgment, but without which no Institution can be expected to prosper.

KINGSTON, 3rd of February, 1844.

C. T. METCALFE.

(NOTE.—No action was taken on this matter at this Meeting.)

Moved by the Reverend Doctor McCaul and seconded by the Reverend Doctor Beaven—That it be referred to the weekly Hebdomadal Board to report on the expediency of instituting Prizes, Scholarships and Exhibitions in King's College University, embodying therein such regulations as they may think desirable, or necessary, for attaining the objects proposed by instituting them. (*Carried.*)

The Chairman of the Audit Committee made the following Report, which was adopted:—

The Audit Committee have to report that they have examined the following Books, namely, the Bursar's Cash Book and Journal, and the Bursar's Bank Account and the Bank Pass Book from the 1st July to the end of September last; and have examined the additions, and compared the balance of the two latter, which they find to accord. They have also examined the vouchers and receipts for money paid out, and have compared them with the Cash Book, and found the whole in accurate agreement, with the exception of a cheque . . . which will not be presented for payment and will have to be rectified in the books. . . .

TORONTO, February the 17th, 1844.

JOHN MCCAUL, Chairman.

February 28th, 1844. A Letter read from the Reverend George Maynard, relative to the Mathematical Department of Upper Canada College was read,—suggesting alterations . . . Whereupon Doctor McCaul moved, seconded by Doctor Gwynne, that Doctor Beaven and Professor Potter be requested to conduct an investigation into the past and present state of the Mathematical Department of Upper Canada College, and the charge preferred by the Master of that Department, relative to the examinations for exhibitions in Mathematics. (*Carried.*)

The following Letter from the Honourable Robert Baldwin, Treasurer, *pro tempore*, of the Law Society, to Doctor McCaul, was read:—

I am directed by the Benchers of the Law Society in Convocation, to address you on the subject of a conversation held by you in June last with the Honourable Wm H. Draper, then Treasurer of the Law Society, relative to the removal of the Courts of Justice to Osgoode Hall, with a view to the occupation of the East Wing of the Public Buildings by the University.

The Law Society beg to acquaint the College Council that they are now prepared to carry this proposition into effect, and are desirous of knowing the wishes of the Council on the subject, and whether they intend moving the Executive Government in relation thereto.

ROBERT BALDWIN, Treasurer, *pro tempore*.

TORONTO, 12th of February, 1844.



Whereupon, the Bursar was directed to inform the Treasurer of the Law Society that the Council, some time since, had made application to His Excellency the Governor General, relative to the appropriation of the East Wing of the Parliament Buildings for the purposes of the University, and that His Excellency was pleased to accede to the application, and promise the use of it, as soon as it should be vacated.

Moved by Professor Potter, seconded by Doctor Beaven, that the following question be submitted to the Solicitor of the University, namely, whether the Statute of the University, passed on the 18th November last,\* which fixes the Salaries of the Professors at certain rates in sterling money of the United Kingdom of Great Britain and Ireland, falls under the Statute of the Legislature, ["to Regulate the Currency,"—1841, 2.] 4th and 5th Victoria, Chapter 93, Sections 2 and 3, which fixes, in this Colony, the relative value of sterling money and currency [at one pound four shillings and four pence for each pound sterling]. (*Carried.*)

The Chairman of the Committee appointed on the 17th of February, instant, to Report on the subject of instituting Prizes, Scholarships and Exhibitions, submitted the following Report, which was received and adopted :—

The Committee to whom it was referred to report on the institution of Prizes, Scholarships and Exhibitions in King's College University, offer the following recommendations on the first of the subjects :—

1. That it is expedient to confer Prizes, as rewards of proficiency, in the different departments of each Faculty.

2. That these Prizes shall be Books, or Medals.

3. That Books shall be conferred after the first and second Annual Examinations, and Medals after the Third, or final, Examination.

4. That no Student shall receive a Prize, whose place shall have been, at the Annual Examination, below first of the first class, or, at the two preceding Terminals, below first class ; but that, in the present year, (1844,) those Students shall be capable of obtaining Prizes, whose rank, at the Easter Terminal Examination, shall not have been below the second class.

5. That no Student shall receive a Prize at any Annual Examination, if, during that year, he shall have incurred any mark of censure from the Council, or Hebdomadal Board, as a reprimand, or suspension.

6. That the following shall be the subjects, in which Prizes shall be conferred in the Faculty of Arts, together with the maximum value of each prize :—

*Value of Prizes in the First Year.*

£ 4.	....Chemistry.
£ 4.	....Mathematics.
£ 4.	....Classics.
£ 1. 10.	....Evidences.
£ 1. 10.	....Biblical Literature.
£ 1. 10.	....Logic.
£ 1. 10. (each)	.....Translations (6)
<hr/>	
£25. 10. 0.	

*Value of Prizes in the Second Year.*

£ 4.	....Mathematics and Physics.
£ 4.	....Classics
£ 2.	....Metaphysics and Ethics.
£ 2.	....Experimental Philosophy.
£ 1. 10.	....Evidences.
£ 1. 10.	....Biblical Literature.
£ 1. 10.	....Rhetoric.
£ 1. 10. (each)	.....Translations (6)
<hr/>	
£25. 10. 0.	

*Value of Prizes in the Third Year.*

£ 7. 10.	.....Mathematics and Physics.
£ 7. 10.	.....Classics.
£ 5.	.....Metaphysics and Ethics.
£ 5.	.....Chemistry and Experimental Philosophy.
£ 5.	.....Biblical Literature and Evidences.
£ 5.	(each) .....Composition (6).
<hr/>	
£34. 10. 0.	

PETITION OF THE PRESIDENT OF KING'S COLLEGE UNIVERSITY TO THE GOVERNOR GENERAL, ON THE PROPOSED DRAPER UNIVERSITY BILLS OF 1845.

During the interval between the last preceding Meeting of the King's College Council, and the next Meeting of the Council, on the 14th of March, 1844, the President of the University addressed the following Letter to the Governor General, Sir Charles Metcalfe, Chancellor, on the proposed Draper University Bills of 1845 :—

MAY IT PLEASE YOUR EXCELLENCY,—

It is, I find, a prevailing impression, that in the next Session of the Legislature, either independently of the Government, or with its sanction, some Measure will be brought forward for effecting changes, I know not of what description, in the University of King's College. And, it is further reported that Your Excellency has under consideration some plan, which would affect, not only the government of the University, but the integrity of the Endowment which has been conferred upon it by the Crown.

2. I know nothing of the truth of these reports ; and, considering my early connection with the Institution, and the position which I occupy under its Charter, I ought, perhaps, to assume that it cannot be Your Excellency's intention to proceed in any such measures as are spoken of, without affording to me, as President of the College, and Senior Member of the Council, a timely opportunity of expressing my sentiments upon them.

3. It would be my wish and my duty to state, without reserve, to Your Excellency, upon such a reference, whatever views I might entertain of any project that may be suggested ; and, although Your Excellency has not hitherto thought fit to refer to me on a subject, with which I am, in so particular a manner, connected, and, although I have no interest, or desire, in it but such as becomes a Member of the National Church, zealous for the advancement of Religion and Learning, to entertain, yet I shall but discharge a duty, which I feel I owe to this Country, in which the greater part of my life has been spent, by venturing, though unasked, to communicate freely with Your Excellency, as Chancellor of the University, on this important matter.

NATURE OF THE ROYAL CHARTER OF KING'S COLLEGE, GRANTED IN 1827.

4. Your Excellency knows the early history of the Royal Charter of King's College. I believe it may be truly said that, at the time it was granted, in 1827,† no Member of the Crown, nor any Colonial Government, would have contemplated the founding and endowing a Seat of Learning, which was not to have a known and distinct Religious character.

5. None such had been hitherto constituted by Royal Charter in any part of the British Dominions ; and, as it was desired to lay the foundation in this Country of an Institution, such as those which had for ages conferred inestimable advantages on the several portions of the United Kingdom, it was felt indispensable to constitute it, to some extent, at least, upon the same principle.

6. To give it a distinct Religious character, it was necessary to connect it with some one Church ; and the preference could not be so naturally and properly bestowed as upon the Established Church of the Empire,—the Religion of the Sovereign, by whose munificence it was to be endowed.

7. Still, there was as little exclusion, or restriction, in the Charter as was at all consistent with the object in view.

8. There was, about the same time, [December the 15th, 1827], an University to be founded in the Province of New Brunswick‡ ; the same Constitution was given to each ; and it was a Constitution more liberal than had ever been conferred by a Royal Charter, under the Great Seal of England, upon any Seat of Learning, or, I should rather, perhaps, say, more latitudinarian ; for, it seems an abuse of the term “liberal” to assume that, whatever is, in its nature, unsound, and at variance with principle, is worthy of having that character ascribed to it.

DIFFICULTY EXPERIENCED IN OBTAINING THE ROYAL CHARTER OF KING'S COLLEGE.

9. I was in England at the time, soliciting the Charter in person, and have it in my power to show conclusively, that the great difficulty I experienced was to obtain the sanction of the Government to the University Charter being made so open as it was.

\*Page 222 of the First Volume of this Documentary History.

† See pages 36, 67, 71, 72, 76, 204 and 205 of the Third Volume of this History.

‡ See pages 280, 281 of the Fourth Volume of this History.

10. The only security provided by the original Charter for the maintenance, within the College, of the Doctrines and Worship of the Church of England was, as Your Excellency is aware, the condition that the President and Members of the College Council should belong to that Church, and that Degrees in Divinity could be conferred only upon those who were of her Communion.

11. This afforded an assurance that no opposing Doctrines would be taught there; and, it was hoped, that it would prove a sufficient security against the evils of Dissent and strife upon the subject of Religion. But, as regarded the Professors, who were to teach the Sciences, or the youth who were to learn them, there was no test whatever; they might belong to any Church, or profess any faith they pleased.

#### OPPOSITION IN UPPER CANADA TO THE ROYAL CHARTER OF KING'S COLLEGE.

12. A clamour was certainly soon raised against the Royal Charter, in the Colony, upon no more reasonable ground than that it recognized a distinction between the Church of England and the various Sects which differed from her Doctrines. In this Country, the motives and objects, which led to these attacks, were well understood and appreciated; and, it was impossible to give credit to the Authors of them for honesty of purpose, when it was perceived with how little scruple they perverted and misstated the conditions and effect of the Royal Charter, of which they complained.

13. But, being encouraged and aided by a party in England, and not withstood by Provincial Government, as they might have been with success, they became more formidable than they would have been, if some degree of confidence had been shown in supporting what was just and right.\* The hesitation experienced, in acting upon the Royal Charter, encouraged more violent attacks; and, after some years of delay, and agitation, the Secretary of State for the Colonies invited the Upper Canada House of Assembly to take the matter into their own hands.

14. No man, I believe, who values what is good and stable in Government, can, for a moment, doubt that this was a most unwise and unfortunate course. It was, I think, wholly without example to that hour, that a Colonial Legislative Assembly should be allowed, by their Acts, to mutilate a Royal Charter, which had been granted by the Government, after long deliberation, under the Great Seal of the United Kingdom.† The mischiefs which were sure to flow from such a proceeding have been apparent, from the moment that a course, so irregular and unconstitutional, was permitted, and they were never more evident than they are now.

15. It was quite obvious and certain that no settlement of a question could be regarded as final which rested upon the provisions of a Colonial Statute,—and, more especially, a question in which the animosities of Religious Sects, and the feelings and desires of political factions could be brought to bear.

16. If the *hideous* scheme, (or, as it was described by our friends in England,—“a project glaringly opposed to every principle of justice, equity and law,”) proposed during the last Session of the Canadian Legislature, had become a law, which seemed at one time to be not impossible,‡ it would very soon have been found how vain had been the sacrifice of the best and most important interests of the Country, in the hope of having a respite from the clamour and violence of party. The same power, which had placed the matter upon so calamitous a footing, could as freely change its condition, and would, no doubt, do so, just as caprices, or opinions, or interests, widely distinct from those of Religion, might seem to dictate.

17. But, although I cannot avoid dwelling, with painful feelings, on the unnecessary abandonment, (as it has always appeared to me,) of what might have been the proudest distinction of this Country, above all other parts of the American Continent,—namely, an University founded on sound Religious principles, amply endowed, and deriving its Professors from the renowned Colleges of Great Britain, yet I admit that there is little hope, that either the Government, or the Legislature, will retrace their steps in this matter.

18. It is, therefore, more to the purpose to ask ourselves what refuge can be discovered from the interminable struggles and changes and dissensions which we must look forward to, so long as King's College holds its Charter by the present tenure; and what method can be found for saving from the wreck of this noble provision,—made in better times and under happier auspices,—something that may be worth preserving, and that may afford a ground of hope in looking to the future?

\* Doctor Strachan, while he refers to the opposition, which was shown to the Charter in Upper Canada, omits to state, that it was so general and widespread, that no Provincial Government could withstand it. Nor was there any desire to do so, as prominent men on both sides were unanimous in their wish to amend the Charter, so as to make the College Provincial in its character, and not denominational and exclusive, so far as the Churches of the Province were concerned. See Mr. Draper's Speech, in introducing his University Bills in 1845.

† This important question will be found to be fully discussed in Chapter XII., pages 201-210, of the Third Volume of this Documentary History. ‡ i.e., the Baldwin University Bill of 1843.



19. If there could be the slightest assurance that, under the Royal Charter, as it stands, the University of King's College would be upheld by the Government, and suffered to continue upon a footing resembling, in practice, though it does not in theory, any of those Seats of Learning which are the glory of the Mother Country, I should, of course, not desire to suggest any change ; but it is impossible not to despair of this, when I recollect what took place only a few months ago, [in the introduction into the Legislative Assembly of a University Bill by the Honourable Robert Baldwin].

#### SOLUTION OF THE UNIVERSITY DIFFICULTY—TWO METHODS SUGGESTED.

20. I see but two methods, by which anything like a satisfactory result could be secured :—

(1) The first is, by endowing Colleges out of the portion of the Clergy Reserves, which are placed at the disposal of the Government and Legislature, (or other Lands under their control ;) for the several Bodies of Christians it may be thought proper and desirable to assist in this manner, leaving, or, I should rather say, restoring the present University of King's College—to what it was originally calculated to be, and without breaking in upon its Endowment.

(2) The second method, is by appropriating to the Church of England the same portion of the endowment as the Imperial Parliament assigned to her out of the Clergy Reserves,—that is to say, five-twelfths—and applying the remaining seven-twelfths in endowing Colleges for such other Religious divisions of the population, as may, by the Government, be thought best.

21. The Members of the Church of Scotland might, by this plan, be liberally assisted ; and, as to any other Denomination of Christians, it would rest with the Government to determine what they should receive, and to what extent. Of course, in the event of such division, it would be necessary to grant separate Charters to each College entirely free from any political influence, and in entire connection with its respective Church, or Denomination.

22. The different Religious Societies in Canada have already shewn their sense of that, which no wise and good man doubts, (for all history and observation confirm it), that the only satisfactory foundation a College can rest upon is that of a known and certain Religious character.

23. It cannot be denied that it would be a great evil thus to split up an Endowment, which, if left entire, would, for many years to come, yield as large a revenue as could be advantageously employed, or would indeed be required, for maintaining one good University upon an efficient and liberal scale. But, it would be a less evil to encounter than that which we have so lately been threatened with in the Legislature. It is unhappily too evident that, to preserve the Institution in its integrity, as a means of diffusing the blessings of true Religion and Learning, and giving an enlightened support to the cause of order and good government, requires a degree of wisdom and firmness which we may look for in vain. The next best measure to be hoped for, then, is the being secured in some smaller and less adequate provision, which, being enjoyed in peace, and dispensed upon rational principles, may form at least a foundation of such a Constitution of the College, as may command the confidence of parents, and gradually entitle it to the favour and respect of the enlightened portion of mankind.

24. It is not, in the nature of things, that confidence and respect can ever attend a Seat of Learning, where, if a Church is spoken of, it must be a Church without government ; and where, if Religion is taught, it must be Religion without doctrine.

#### KING'S COLLEGE WAS INTENDED TO BE A UNIVERSITY AND THEOLOGICAL COLLEGE.

25. Above all things, I claim from the Endowment the means of educating my Clergy. This was my chief object in obtaining the Royal Charter and the Endowment of King's College, as appears from my original application :\* and it was fully recognized by the Imperial Government, as is evident from the tenure of the Royal Charter, and was indeed the most valuable result to be anticipated by the Institution. It was on this account that one of the great Church Societies in England granted us a Divinity Library, and the other promised to increase it when the University was in full operation.† To deprive the Church of England here of this benefit, would be to aim a deadly blow at her very foundation, and to cut off the principal advantage we had in view in seeking for the establishment of a Seat of Learning in Upper Canada. This is a point which never can be given up, and to which I believe the faith of Government is unreservedly pledged.

26. I have thus, under small encouragement, I confess, discharged what I considered to be an imperative duty, in laying before Your Excellency what occurs to me on this important question ; for I have not been able to persuade myself that my being the Spiritual Head of the

\* This "original application" will be found on page 215-221 of the First Volume of this Documentary History. † See page 17 of the Third Volume of this Documentary History.

Church of England in this Colony, and the President of King's College, are the reasons why I should not be supposed to have a deep concern in the safety and success of an Institution, in which it was, from the very first, intended that the Church of England here should possess a great interest, and why, having an opinion, I should not venture to express it.

TORONTO, 6th of March, 1844.

JOHN TORONTO,  
President of the University of King's College.

PROCEEDINGS OF THE COUNCIL OF KING'S COLLEGE, 1844, *Continued.*

*March 14th, 1844.*—A Letter from the Solicitor, dated the 13th instant, conveying his opinion on the question submitted to him on the 28th ultimo, as to whether the Statute of the University, passed on the 18th of November, 1843, which fixes the Salaries of the Professors at certain rates in sterling money falls under the Statute of the Canadian Legislature quoted. . . .

I am of opinion that the Statute of the University, regulating the Salaries of the Vice-President and several Professors of that Institution, having been passed subsequently to the passing of the Provincial Statute of 1841, quoted . . . comes within the meaning of the last paragraph of the Third Section of that Act . . . A Contract, or Agreement, for remuneration for their services must have been implied, or understood, when the Professors were appointed. . . .—and, consequently, I consider that each Professor is entitled to be paid the amount of his salary, at the rate of one pound four shillings and four pence currency for every pound sterling, unless it should appear, upon investigation, that there is a substantial legal objection to the Statute of the University, by which the respective Salaries are fixed.

TORONTO, March the 13th, 1844.

JAMES E. SMALL, Solicitor to the Council.

*March 27th, 1844.*—On the motion of Professor Potter, seconded by Doctor Beaven the foregoing Letter of the Solicitor, read at the last meeting of Council, was again read, whereupon Professor Potter moved, seconded by Doctor Beaven, that, in pursuance of the Opinion of the Solicitor, the Bursar do pay the salaries of the Professors from the dates at which they respectively became entitled to them, at the legal rate of currency, compared with sterling money. (*Carried*, the Vice-President dissenting).

Doctor Gwynne proposed the following Resolution, seconded by Professor Croft—That, inasmuch as no power is, by the Charter, conferred upon the Council, enabling it to authorize the payment of Salaries to any of the Officers, or Servants, of this Institution, which Salaries have not been previously established by Statute, the attention of the Chancellor be respectfully invited to this subject, in order that the Bursar may, as soon as possible, be exonerated from the responsibility of paying monies which are not sanctioned by University Statute, as required by the provisions of our Charter.

Moved in amendment, by Doctor Beaven, seconded by Professor Potter, That the consideration of the subject of this Resolution be deferred until after the Easter vacation, in order to await the issue of the suggestions which the Vice-President proposed offering for the consideration of the Chancellor, relative to the expediency of passing a body of Statutes for the government of the University. (*Carried.*)

PROTEST OF THE RIGHT REVEREND THE PRESIDENT OF KING'S COLLEGE COUNCIL.

*April 1st, 1844.*—The President, seconded by the Vice-President, asked leave, which was granted, to enter his protest against the action of the Council on the 27th ultimo, in regard to the Salaries of the Professors, based upon the Letter of the Solicitor of the Council :

1st. Because the Minute of the Council on the subject is altogether irregular, and was passed in error ; the Council having no power to take up such an important question, as that of increasing the annual expenditure of the University by nearly ten per cent., unless proposed for the consideration of the Council by His Excellency the Chancellor, in the manner laid down by the Charter.

2nd. Because the Minute is further irregular, inasmuch as it was passed in the absence of the President of the University, who, it was well known, entertained serious objections to the claim on which it is founded, but who was, at the same time, ready to take the Chancellor's pleasure on the subject ; and, if referred to the College Council in the usual manner, to give it his best consideration.

3rd. Because the Minute is not authorized by the Opinion of the Solicitor, as that Opinion was simply given on a detached question, in total ignorance of the facts of the case. . . . A knowledge of such facts would no doubt have modified his Opinion, and this, the more especially, as he entertains a grave doubt of the legality of the Statute which regulates the Salaries of the Professors.

4th. Because the said Minute . . . cannot be carried out, without incurring debt, trenching on the endowment, or impeding the measures in contemplation for increasing the efficiency of the University.

5th. Because no question, having for its object the increase of Salaries, ought to be entertained at the College Council Board, while its composition remains as at present, consisting almost entirely of Professors, or persons interested in the result of such action, unless at the express desire of His Excellency the Chancellor. The necessity of some such rule is evident from the fact, that, although provision is made for twelve Members of Council, yet, from causes over which we have no control, only seven can conveniently meet in Council, all of whom, except one, have an interest in the question of Salaries.

6th. Because two out of the seven Members, (the President and the Vice President,) dissent from this Minute, which is, therefore, only sustained by a majority of three . . .

7th. Because the Provincial Statute, 4 and 5 Victoria, Chapter 93, under which, it is alleged, the College Statute comes, is, in the case of Salaries, wholly inoperative, as appears from the fact, that a similar claim to that made by the Reverend Doctor Beaven and Professor Potter, but in some respects stronger, was made to the Executive Government by the Judges of Canada East,—some of whom had been appointed since the said Act was in force, but every such claim was rejected by His Excellency the Governor General in Council.

TORONTO, 1st of April, 1844.

JOHN TORONTO.

Doctor Gwynne moved, seconded by Professor Potter and it was :—

*Resolved*, that the Bursar be requested to lay before the Council, at its next Meeting, a statement of the various sums which have been already disbursed, under the sanction of the Statute, relating to the expenditure for University Buildings, and for a Library and Philosophical Apparatus, which was finally passed on the 2nd of April, 1842.\*

#### PROPOSED PERMANENT LAND ENDOWMENT OF THE UNIVERSITY OF KING'S COLLEGE.

The following recommendation was submitted by the Land and Building Committee of the Council :

That one hundred thousand (100,000) acres of Land shall be reserved as the perpetual endowment of the University of King's College, of which the Lands at present under lease shall form part, and that the University Buildings, including the South West Wing, and the Residences of the Professors, shall be commenced forthwith ; and that the plans, marked A, B, shall be recommended, as the most expedient for the South-West Wing.

The recommendation being read, Doctor Beaven proposed that the same be received and adopted : which proposition, being seconded by Professor Potter, Doctor McCaul moved in amendment, that the words—

“ Of which those at present under lease shall form a part ” shall be omitted, and the following words shall be added after the word “ forthwith,” “ and that the requisite sales of Land for effecting these objects be resumed ” ; which amendment, being seconded by Mr. W. F. Barron, Principal of Upper Canada College, was put, with the following result :—

Ayes.—The President, the Vice-President, Doctor Beaven, and the Principal of Upper Canada College. Noes.—Professors Potter, Croft and Gwynne.

The amendment was, therefore, carried. Doctor Gwynne recorded his dissent to this amendment in the following words :—

1st. Because the Charter confers no power upon the Council to dispose of any portion of the Endowment, unless by a Statute of the Council of King's College, regularly passed.

2nd. The Committee appointed to report on this matter have recommended the disposal of Land, in the absence of that information which, in my opinion, was necessary to enable them to form a just opinion of its expediency ; which information the Committee, at their first Meeting, deemed it necessary to order from the Bursar, before they could advise further action, but which information has not yet been obtained.

3rd. The present accommodation, in addition to the East Wing of the late Parliamentary Buildings, appears to me to be amply sufficient for the immediate purposes of the Institution ; but, even if the present accommodation could be shown to be deficient, that deficiency should be supplied, not by the further diminution of the Capital, but by the immediate collection of the arrears of rent and interest, due on the College Lands, which the accounts, recently furnished by the Bursar, shown, amount to no less a sum than £34,798.

\*For the particulars of this Statute, see pages 189 and 190 of the Fourth Volume of this Documentary History.



4th. Whilst a general understanding prevails that His Excellency the Governor General will, at the next meeting of the Provincial Parliament, sanction the introduction of some Legislative Measure whereby the present Constitution of the University will be considerably affected, it is expedient to erect new Buildings adapted to the present position of the Institution, while the proposed modifications are unknown, and the necessities of the University, consequent upon such modification, cannot be understood.

*April 20th, 1844.* The President submitted the following Minute relating to the recent action of the Council of King's College, in regard to the Salaries of the Professors, &cetera, which he had received from His Excellency the Governor General, as Chancellor of the University of King's College :—

#### CENSURE OF THE CHANCELLOR ON MEMBERS OF THE COUNCIL FOR INCREASING THEIR SALARIES.

The Chancellor has seen, with great regret, the proceeding of the Council of King's College, increasing the salaries of the Professors, in consequence of an Opinion of their Solicitor, on the construction of an Act of the Provincial Legislature.

2. As the effect of this proceeding is to increase the Salaries of the individuals who have passed this Resolution, the Chancellor trusts that they will, on reconsideration, perceive the propriety of rescinding that Resolution, or of adopting one, which may tend to remove the unfavorable impression that will otherwise be universally entertained of the character of that proceeding.

3. It is well known throughout the Province that Salaries fixed in sterling money, from that of the Governor General down to those of Clerks in the Public Offices, are paid in currency at a specified rate, at which the salaries of the Professors of King's College have likewise hitherto been paid.

4. It is admitted that an Act has been passed by the Provincial Legislature, establishing another rate in transactions subsequent thereto ; but this rate has not hitherto been applied to any Salaries subsequently created ; and, whatever the proper construction of the Act may be, the application of it by the Professors of King's College, in a Council consisting almost exclusively of themselves, to the raising of their own Salaries above the amount to which they have hitherto been deemed entitled, cannot fail to be highly injurious to the reputation of the Institution.

5. The Chancellor most earnestly hopes that this evil will be averted, by the Professors themselves, through a Resolution, either rescinding the one which is so manifestly objectionable, or, at least, suspending it for the future consideration of a full Council, consisting of a due portion of disinterested Members.

6. In order to facilitate such a result, the Chancellor transmits the accompanying Draft of a Statute, which he proposes and anxiously recommends for the consideration of the Council of King's College.

7. Although the objection above noticed appears to the Chancellor to be conclusive against the Resolution, adopted on the 27th ultimo, it is an additional one of scarcely less importance, that the Funds of the Institution do not admit of the increase of expense thereby proposed.

KINGSTON, 6th of April, 1844.

C. T. METCALFE.

The following Letter from Mr. Private Secretary Higginson, to the Registrar, enclosing a Copy of the Statute, regulating the Salaries of the Professors, and to which the Chancellor referred in his foregoing Minute of the 6th instant, was laid before the Council and read :—

The Chancellor has been pleased to direct that a Statute, explaining that by which the Salaries of Professors of King's College University are paid, shall be submitted for the consideration of the College Council ; and I am desired to signify to you His Excellency's opinion that, until this shall have been disposed of, the payments to the Professors and other Officers under the Statute should continue to be at the same rate as heretofore.

KINGSTON, 8th of April, 1844.

J. M. HIGGINSON.

The following is a Copy of the Statute, proposed by His Excellency the Chancellor, and referred to in his Minute of the 6th instant, was read, and its consideration was deferred until the next Meeting of the College Council.

#### *Chapter XII. Of the Salaries of the Vice President and Professors of King's College University :*

Be it enacted by the College Council of the Chancellor, President and Scholars of King's College, Toronto, in that part of the Province of Canada called Upper Canada :—

That, notwithstanding anything contained in a Statute of the College Council proposed by the Chancellor on the 4th November, 1843, and passed and adopted on the 18th November, 1843,\* regulating the Salaries of Professors and other Officers, the Salaries thereby fixed and appointed shall be taken to have been, and to be payable in currency, at the rate of increase of one ninth upon the sums in sterling, appointed in the said Statute for the Salaries of the Vice President, Professors and others in the University.

RESIGNATION OF MR. RICHARD POTTER, THE PROFESSOR OF MATHEMATICS.

The following Letter, from the Private Secretary of the Governor General, was laid before the Council by the Registrar and read :—

I am directed by the Chancellor to request that you will lay the accompanying copy of a Communication from Professor Potter before the College Council.

KINGSTON, April the 9th, 1844.

J. M. HIGGINSON.

I have now to request you to inform His Excellency, Sir Charles Metcalfe, Chancellor of the University of King's College, that I shall resign the Professorship, which I have the honour to hold in that University, at the end of the present academic year.

As no outfit was allowed me, (although it has been the rule for Upper Canada College to allow an outfit), and, as I return entirely on account of the non-fulfillment of the terms upon which I came out from England, I make the claim mentioned in my former Letter for my expenses in crossing and re-crossing the Atlantic, for the purchasing the Apparatus for the Natural Philosophy Museum ; and I beg His Excellency to make the required proposition to the Council to that effect.

RICHARD POTTER.

TORONTO, April the 4th, 1844.

April 24th, 1844. The Reverend Doctor Beaven and Professors William C. Gwynne and Henry H. Croft obtained leave to enter on the Minutes of the Council objections to the Statements contained in the Protest of the 1st of April, 1844, of the Right Reverend the President of King's College University, against the Minute adopted on the 27th of March, 1844 by the Council, on the subject of Professor's Salaries.

NOTE. These Protests are very elaborate documents, and, while they do not defend the principle of the right of the Professors to increase their own Salaries, yet they give an elaborate explanation of the reasons why the writers supported the Minute of the Council dealing with the simple question (as they maintained,) as to whether the Salaries should be paid at the rate of sterling exchange, as interpreted by the Solicitor of the Council. It will be noticed that the censure of the Chancellor on the action of the Professors is very clear and distinct as against them. (The protests occupy four closely written pages of the College Minute Book, but it is unnecessary to reproduce them here.—J. G. H)

May 1st, 1844. The Bursar submitted to the Council the following statement of the expenditure asked for on the first ultimo (page 139, ante) :—

	£	s	d
Expenditure for the Building of the University, including the Well. ....	10	249	13 9
Expenditure for Repairs of the Parliament Buildings, so as to render them fit for temporary occupation .....	412	14	1
Expenditure for Outfit,—consisting of expenditure on the College Chapel, the Hall, and Professors' Apparatus, Lecture Rooms, Books, Philosophical and Chemical Apparatus, Surgical Instruments, Kitchen Furniture, Stoves, Stove Pipes ; Locks, Bells, Large Bell, Clock, etcetera .....	6,439	18	2½
Total expenditures up to the 1st of May, 1844 .....	£17,102	6	0½

REPORT ON THE MATHEMATICAL DEPARTMENT OF THE UPPER CANADA COLLEGE.

The Committee appointed on the 28th of February last to investigate the state of the Mathematical Department of Upper Canada College made the following Report :—

The Committee on investigating the state of the Mathematical Department of Upper Canada College, beg leave to present the following Report :—

I. They have carefully considered the charges made by the Reverend George Maynard, relative to the last examination, together with the questions proposed on that occasion, and some remarks on both, with which the late Principal of Upper Canada College has furnished them and have examined the answers of the Candidates to the written questions, and they are

\* For this Statute, see pages 298 and 299 of the Fourth Volume of this Documentary History.

of opinion that there is no ground of complaint against the Examiners, in relation to the subject proposed, nor in regard to the sources from which the questions were derived, inasmuch as half of the questions are contained in Books used in the College.

II. They are of opinion that the charge against the late Principal of Upper Canada College of "not being in the habit of paying the remotest attention to the Mathematical Department" is entirely contrary to facts, he having paid much more attention to that department than his predecessor.

III. They have visited the Mathematical Class Room of Upper Canada College,—have conferred with the Principal and Master, and have examined the fourth, sixth and seventh forms in Arithmetic and Euclid and Algebra, and have to offer the following recommendations\* :—

(1) They recommend that no scholar shall be sent under the Mathematical Master, until he is well acquainted with Vulgar Fractions, Decimal Fractions and the Extraction of the Square Root, as well as the earlier parts of Arithmetic.

(2) They recommend that printed Text Books should be adopted in each subject, to which the pupils' attention should, in the first instance, be confined, leaving it to the Mathematical Master to take the more advanced and able Scholars into higher questions, when they have fully mastered the Elementary Text Book.

(3) They recommend that the present Regulations respecting the examinations for the Exhibitions should be reconsidered, with a view to putting the Candidates from Upper Canada College upon a more equal footing with those from other Schools.

TORONTO, 1st of May, 1844.

JAMES BEAVEN, }  
RICHARD POTTER, } Committee

The Report was received and ordered to lie on the Table.

#### REMISSION OF TUITION FEES OF INDIAN PUPILS IN UPPER CANADA COLLEGE.

The Principal of Upper Canada College having, at the request of the Chief Superintendent of Indian affairs, Samuel Peters Jarvis, Esquire, stated to the Council the case of the Indians. Scholars in Upper Canada College, was requested to inform Mr. Jarvis that the College Council, not being in possession of any document from Sir George Arthur, respecting the remission of the tuition fees for the Indians, whom His Excellency introduced, are compelled to regard the Indians educated at the College in the same light as the regular Pupils.†

May 29th, 1844. There being no quorum, no business was transacted, only four Members being present. The following statement of the unappropriated funds of King's College on the 29th May, 1844, was submitted by the Bursar :—

	£	s	d
Provincial Debentures .....	27,697.	19.	5
Stock of the Bank of Upper Canada .....	250.	0.	0
Stock of the Gore Bank .....	187.	10.	0
Cash balance in the Bank of Upper Canada .....	1,658.	5.	3
Cash balance in the Bursar's hands .....	307.	4.	10
Interest due on Debentures and Bank Stock .....	303.	2.	6

TORONTO, 29th of May, 1844.

£30,404. 2. 0

June 26th, 1844. On the motion of Professor Potter, seconded by Doctor Gwynne, the Minute of the Chancellor, and the accompanying Communication of his Private Secretary, on the subject of certain proceedings of the Council, concerning the Salaries of Professors were read.‡

Whereupon Professor Potter moved, seconded by Doctor Gwynne, that the Chancellor's Minute and the Communication of his Private Secretary accompanying it, which have just been read, be taken into consideration at the next meeting. (*Carried.*)

Moved by Doctor Gwynne—seconded by Professor Croft, that a copy of the Report of the Committee appointed to investigate the present and past state of the Mathematical Department of Upper Canada College, . . . be furnished to the Mathematical Master; and that the Principal of the College be requested to give his opinion on the suggestions with respect to the tuition and examinations. (*Carried.*)

\* The Committee, in addition to their recommendations, give a number of details, which are temporary and local in their character, and are, therefore, omitted here.

† This matter was taken up by the Council on the 17th of July, 1844, and the tuition fees were remitted.

‡ See page 140, *ante*.



A Letter, dated the 28th ultimo, from Mr. Michael Barrett was read, offering himself as a candidate for the situation of second English Masters in Upper Canada College, vacated by Mr. Thompson. The Bursar was directed to inform Mr. Barrett that the right of nomination to the appointment rests with the Chancellor.

The Vice President submitted the Plan of the Examinations in the Faculty of Arts for the year 1844, and requested permission to advertise the Examinations, and print the papers as an appendix to a Calendar, which request was granted by the Council.

The Vice President submitted a proposal for obtaining the use of the Toronto Hospital for the University. Whereupon it was moved by Doctor Gwynne, seconded by Professor Croft, that Doctor McCaul's proposition, relative to the Hospital, be referred to a Committee composed of the Medical Faculty of the University. (*Carried.*)

*July 1st, 1844* The Minute of the Chancellor, and the Letter from his Private Secretary to the Bursar, having been read and considered, Professor Potter submitted the following motion, seconded by Doctor Beaven,—that the Council regret that His Excellency, the Chancellor, should have been advised to take the step of suggesting to the Bursar, who is the Officer of the Council, appointed by its vote and responsible to it alone, to act contrary to its decisions. The Council feel quite certain that His Excellency was not aware that he might appear to be infringing upon the power possessed by the Council of having sole control over its own Officer. (*Carried.*)—the Vice President and Mr. Barron dissenting.

Moved by Mr. Barron, seconded by Doctor Beaven,—that, for the purpose of carrying out the Chancellor's wishes, expressed in the Minute addressed by him to the Council, the operation of the Resolution alluded to, be suspended, in order that the original Statute, fixing the Salaries of the Professors may be referred to the Visitors; and that the suspension of the Resolution shall continue for one month, or until such earlier time as the Visitors may have arrived at their decision. (*Carried.*) See page 140, *ante*

*July 3rd, 1844*, Professor Potter requested the Council to relieve him from Academic duties immediately on the present Term being concluded. (*Granted.*)

Moved by Doctor Beaven, seconded by Professor Potter, that the Bursar be instructed to furnish the Visitors with a copy of the Question submitted to the Solicitor relative to the meaning of the University Statute settling the Salaries of the Professors, together with copies of the various Documents bearing on the case. (*Carried.*)

*July 16th, 1844*, Doctor Gwynne submitted certain resolutions from the Medical Faculty, founded upon Doctor McCaul's proposition relative to the Hospital, and stated that the Committee entirely approved of the proposition.

*July 17th, 1844*, A Letter, dated the 15th instant, was read from Mr. Michael Barrett, enclosing one dated the 1st instant from the Private Secretary, acquainting Mr. Barrett that His Excellency had nominated him to the office of second English Master in the Upper Canada College, vacant by the resignation of Mr. Thompson. The Council confirmed His Excellency's nomination,—the Principal of Upper Canada College having borne testimony to Mr. (afterwards Doctor) Barrett's abilities.

The following Letter from Mr. Private Secretary Higginson, dated the 29th ultimo, on the subject of the Indian youths, scholars in Upper Canada College, was read :—

I am directed by the Governor General to transmit to you the accompanying copy of a Letter from the Chief Superintendent of Indian Affairs,\* respecting a demand that has lately, and for the first time, been made on the Indian Department for payment of tuition fees for two Indian Youths, who were placed by Sir George Arthur in Upper Canada College, as Free Scholars, and I am to request that the subject may be brought under the consideration of the Council, with reference to the benevolent intention with which these youths appear to have been placed at the College for gratuitous instruction.

It may be proper to add that the only Fund from which these charges could be defrayed is the Parliamentary Grant, voted annually for the Indian Service, which is at present considerably overdrawn, and unable to meet this unexpected demand.

MONTREAL, June the 29th, 1844.

J. W. HIGGINSON.

Whereupon it was moved by Doctor Beaven, seconded by Mr. F. W. Barron, that, as it appears that the Indian Youths, at present at Upper Canada College, were placed at that College on the supposition that they would be allowed their tuition gratuitously, the same be allowed for the future, and that all arrears of charges on that head be, therefore, cancelled. (*Carried.*)

\*The Chief Superintendent of Indian Affairs, in his Letter to the Governor General, states that "when the Indian Youths were placed in Upper Canada College, he received a verbal assurance from Sir George Arthur that they should be considered as free scholars, as regards their tuition."

Doctor McCaul submitted a draft of a Letter to be addressed to the Trustees of the Toronto Hospital, submitting for their consideration proposals for obtaining the use of the Hospital for the University; which was approved, and the Bursar was directed to write accordingly to the Trustees.

*July 19th, 1844*, The Vice President reported, from the weekly Hebdomadal Board, a recommendation that there shall be, for the future, at the Examinations for the Degree of B.A., the same classification of candidates for honours as is usual at Oxford; *Scit—‘ in literis Humanioribus, et disciplinis*, Mathematics and Physics, and that, at the present examination, those who have obtained classical honours shall be placed under the first head, and Mathematical honours under the second.

*July 31st, 1844*.—No quorum; only four Members present. The following Statement of unappropriated funds of King's College was submitted:—

	£	s.	d.
Public Debentures .....	29,597.	19.	5
Stock of the Bank of Upper Canada .....	250.	0.	0
Stock in the Gore Bank .....	187.	10.	0
Cash balance in the Bank of Upper Canada .....	240.	17.	3
Cash balance in the hands of the Bursar .....	2.	2.	5
Interest due on Debentures and Bank Stock .....	362.	6.	4

Total up to the 31st of July, 1844 ..... £30,640.15. 5

*September 25th, 1844*.—No quorum; only four Members present. The following Statement of the unappropriated funds of King's College was submitted:—

	£	s.	d.
Public Debentures .....	29,597.	19.	5
Stock of the Bank of Upper Canada .....	250.	0.	0
Stock of the Gore Bank .....	187.	10.	0
Cash in the Bursar's hands .....	208.	1.	6½
Cash in the Bursar's hands .....	637.	0.	2
	30,880.	11.	1½
Bank account overdrawn .....	1,507.	5.	11

Total on the 25th of September, 1844. .... £29,373. 5. 2½

*September 30th, 1844*.—The following Letter from Mr. Private Secretary Higginson, dated the 25th instant, was read:—

I have the honour, by command of the Chancellor, to state for the information of the College Council that His Excellency is pleased to appoint the Reverend Robert Murray, M.A., to be Professor of Mathematics and Natural Philosophy in the University of King's College, in succession to Mr. Richard Potter, resigned.\*

MONTREAL, September 25th, 1844.

J. M. HIGGINSON.

A Letter from the Trustees of the Toronto Hospital, dated the 8th ultimo, was read, on which it was moved by Dr. Gwynne, seconded by Doctor King, that the Council regret that they do not feel themselves at liberty to delegate to others the power of appointing any Officer, or Servant, whose salary is paid from the funds of the University; but they will not object to placing at the disposal of the Trustees of the Hospital the sum of Five Hundred and Fifty Pounds, (£550,) currency, if that amount should be required for carrying out the proposed arrangement with the Hospital Trustees:

#### ESTABLISHMENT OF A NUMBER OF NEW PROFESSORSHIPS IN KING'S COLLEGE UNIVERSITY.

*October 5th, 1844*.—The President submitted the two following Statutes, which were proposed by His Excellency the Chancellor:—

#### Chapter XII: Number One.

C. T. METCALFE:

Be it enacted by the College Council of the Chancellor, President, and Scholars of King's College at York, (now Toronto), in that portion of the Province formerly called Upper Canada,

\* See Chapter XVI. of this Volume, page 111, *ante*.

I. That the following Professorships shall be, and the same are hereby established, in addition to those already established by previous Statutes ; and that the appointments thereto shall be made, from time to time, as the circumstances of the University may permit, and the provisions of the Charter require :—

- |  |                                 |
|--|---------------------------------|
| 1. Hebrew and Oriental Languages.      | 6 (a) Geology ; (b) Mineralogy. |
| 2. Political Economy.                  | 7. Civil Engineering.           |
| 3. Medical Jurisprudence.              | 8. Architecture.                |
| 4. Music.                              | 9. Painting.                    |
| 5. History, Geography and Antiquities. | 10. Agriculture.                |

II. That the Professors of the above shall hold and enjoy their Professorships, subject to the same provisions of the Statutes, as are applicable to the Professors heretofore appointed.

### Chapter XIII: Number Two.

#### APPOINTMENT OF TUTORS AND TEACHERS OF MODERN LANGUAGES IN KING'S COLLEGE.

Be it enacted by the College Council of the Chancellor, President and Scholars of King's College at York, (now Toronto,) in that portion of the Province formerly called Upper Canada :

I. That there shall be engaged in the business of instruction, in addition to the Professors, Tutors and Teachers of Modern Languages.

II. That the Council shall appoint, from time to time, such and so many Tutors and Teachers of Modern Languages, as may seem to them expedient.

III. That the Council shall fix the emoluments of each, and shall decide whether any, and which, of these Offices may be held conjointly with each other, or with any other University Office.

C. T. METCALFE.

KINGSTON, 25th of September, 1844.

The President gave notice that, at the next Meeting he should propose, that a salary of £100 be assigned to the Chaplain of the University for his services during the past year.

#### APPOINTMENT OF PRINCIPAL AND MASTERS IN THE UPPER CANADA COLLEGE.

A Communication from Mr. Private Secretary Higginson was read, stating that the Governor General had been pleased to appoint Frederick William Barron, Esquire, B.A., to be Principal of Upper Canada College ; and that, as Chancellor of the University, he had nominated the Reverend Henry Scadding M.A., to be First Classical Master, and the Reverend William Hone-wood Ripley, B.A., to be Second Classical Master,—to fill the vacancies consequent on Mr. Barron's promotion.

Moved by Doctor McCaul, seconded by Doctor Beaven, that these nominations of the Governor General and Chancellor be and are hereby confirmed by the Council. (*Carried.*)

Moved by Doctor McCaul, seconded by Doctor Beaven, that the First Classical Master in Upper Canada College shall have and hold precedence and rank next after the Principal. (*Carried.*)

Moved by Doctor Gwynne, seconded by Professor Croft, that the Vice President and the Professors of Medicine, Surgery and Midwifery be a Committee to superintend, in concert with the Trustees of the Hospital, the necessary arrangements for carrying into effect the plan which has been agreed on with the Trustees. (*Carried.*)

Moved by the President, seconded by Doctor Beaven, that it shall be the duty of the Vice President to make a formal inspection of the property belonging to the University in the different Departments, and of the Grounds, Buildings, and Rooms, and make a Report thereon to the Council at the beginning and end of each Term. (*Carried.*)

October 8th, 1844.—The Vice President introduced certain Resolutions from the Faculty of Medicine, the first two of which were approved, and the Bursar was directed to communicate to the Professors of Anatomy and Surgery the decision of the Council relative to the third.

Professor W. H. Blake applied for a fortnight's leave of absence from his duties in the University. (*Granted.*)



*Regulations relative to Prizes in the School of Medicine.*

The Vice President submitted the following Regulations, relative to the mode of competing for the prizes in the Medical School, which were approved :—

1. No Student shall be permitted to compete for Prizes, or distinctions, in any department, in which he has attended more than one course of lectures.

2. In order that occasional Students may be qualified to compete, they are required to have attended in this University sufficient time for an *Annus Medicus*, during the year in which they desire to offer themselves as Candidates.

An account for Tests, Apparatus, etcetera, selected by Professors King and Herrick, for the Department of Medical Jurisprudence, amounting to about £35, was allowed, and the Bursar was directed to discharge the same.

## VARIOUS OFFICES OF THE UNIVERSITY OF KING'S COLLEGE APPOINTED.

October 19th, 1844.—The President submitted the six following Statutes proposed by His Excellency the Chancellor.

*Chapter XIV: Number Three.*

C. T. METCALFE :

Be it enacted by the College Council of the Chancellor, President and Scholars of King's College at York (now Toronto), in that portion of the Province formerly called Upper Canada :

I. That the following Offices shall be, and the same are hereby, created, and the appointments thereto shall be made as hereinafter provided :

- |                              |   |
|------------------------------|---|
| 1. Secretary of Convocation. | 11. Superintendent of Grounds.                |
| 2. Scrutators (2).           | 12. Steward.                                  |
| 3. Proctor.                  | 13. Yeoman Bedel.                             |
| 4. Dean.                     | 14. Attendance on (1) Professor of Natural    |
| 5. Chaplain.                 | Philosophy ; (2) Professor of Chemistry ; (3) |
| 6. Librarian.                | Curator of Museum ; (4) in Dissecting Room.   |
| 7. Junior Registrar.         | 15. Messenger.                                |
| 8. Junior Bursar.            | 16. Bell Ringer.                              |
| 9. Esquire Bedel.            | 17. Gate Porter.                              |
| 10. Architect.               |   |

II. That the Secretary of Convocation, the Chaplain and Esquire Bedel shall be appointed by the Chancellor.

III. That the Proctor, Dean, Librarian, Junior Registrar, Junior Bursar, Architect, and Superintendent of Grounds, shall be appointed by the College Council, subject to the approval of the Chancellor, and that, if the Chancellor shall disapprove of any such appointment, it shall not take effect.

IV. That the Steward, Yeoman Bedel, Bell Ringer and Gate Porter, shall be appointed by the Council, on the recommendation of the Vice President.

V. That the Attendants and Messengers shall be appointed by the Council, on the recommendation of the Officer on whom they are to attend.

VI. That the Steward and Superintendent of Grounds shall employ no Assistants, or Under Servants, but such as shall be approved by the Vice President.

VII. That the Council shall decide whether any, and which, of the above offices shall be held together, and also the emoluments of each,—subject always to the approval and confirmation of the Chancellor.

VIII. That the duties of each of the Officers, the appointment of which is to be made by the Chancellor, or subject to his approval, shall be assigned by the Council.

IX. That the duties of each of the Offices, to which the Vice President, or other Professors, or Officers, recommend, shall be assigned by the Weekly Hebdomadal Board.

X. That of the above Officers, as herein established, those of Proctor, Dean and Scrutators, shall be annual ; those of Secretary of Convocation, Librarian, Junior Registrar, Junior Bursar, Architect, Superintendent of Grounds, Steward, and Yeoman Bedel, during the pleasure of the party, by whom they are appointed ; and those of Attendants, Messenger, Bell Ringer, Gate Porter, Assistants, and Under Servants, during the pleasure of those by whom they are recommended, or approved.

## REGULATIONS FOR THE MEETINGS OF CONVOCATION OF KING'S COLLEGE UNIVERSITY.

*Chapter XV: Number Four.*

C. T. METCALFE :

Be it enacted by the College Council of the Chancellor, President, and Scholars of King's College at York, (now Toronto,) in that part of the Province formerly called Upper Canada :—

I. That the Convocation shall assemble on the first day of every Term, and on the days to which it shall be successively adjourned during Term, immediately after Divine Service. It may also be specially convoked by the Chancellor at any time during Term, by a public notice, (specifying the Graces to be brought forward,) affixed in the Council Chamber,—of which a copy is to sent to each Member of Convocation, at least two days before the time of meeting.

II. That the Convocation shall assemble in the College Hall, in their proper habits, and not fewer than seven Members shall form a Convocation.

III. That all questions in the Convocation shall be decided by the majority of votes of the Members present, the Presiding Officer to have an additional, or casting, vote, in case of an equality of votes.

IV. That the votes shall be taken by the Scrutators, either openly, or secretly, at the discretion of the Presiding Officer.

V. That the Dean shall discharge the duties and enjoy the privileges of a Proctor in Convocation.

VI. That it shall be the office of Convocation to confer Degrees, according to the Statutes,—to admit, and incorporate, Members of other Universities,—to grant Letters Testimonial, and to grant dispensations, in cases provided for by the Statutes, or not contrary to them.

VII. That the Rank and Precedence of the Members of Convocation shall be

- |   |                             |
|---|-----------------------------|
| 1. Chancellor.  | 7. Doctors of Civil Law.    |
| 2. President.   | 8. Doctors of Medicine.     |
| 3. Vice President.  | 9. Bachelors of Divinity.   |
| 4. Proctor.   | 10. Masters of Arts.        |
| 5. Professors, according to the dates of<br>their respective appointment. | 11. Bachelors of Civil Law. |
| 6. Doctors of Divinity.   | 12. Bachelors of Medicine.  |
|   | 13. Companions of Medicine. |

## QUALIFICATIONS FOR DEGREES IN KING'S COLLEGE UNIVERSITY PRESCRIBED.\*

*Chapter XVI: Number Five.*

C. T. METCALFE :

Be it enacted by the College Council of the Chancellor, President and Scholars of King's College at York, (now Toronto,) in that portion of the Province formerly called Upper Canada.

*Degrees in the Different Faculties*.—That the following shall be the qualifications for the Degrees in the different Faculties :—

I. *For B. A.*—(1) Having kept nine Terms.

(2) Having passed the previous and final examinations.

II. *For M. A.*—(1) Having been admitted to the degree of B. A.

(2) Being of the standing of nine Terms from admission to that Degree.

(3) Having performed the appointed exercises.

III. *For Mus. Bac.*—(1) Having been matriculated.

(2) Having performed the appointed exercises.

IV. *For M. D.*—*Mus. Doc.* (1) Having been admitted to the degree of Mus. Bac.

(2) Being of the standing of nine Terms from admission to that Degree.

(3) Having performed the appointed exercises.

V. *For M. B.*—(1) Having kept seven Terms, and passed the previous examinations in the Faculty of Arts.

(2) Having attained the age of twenty-one years.

(3) Having passed five years in the acquisition of Medical knowledge, three of which must have been occupied in attendance on Medical Lectures in Schools recognized by the University, and one at least in the Medical School of this University.

\* Comparison of these conditions for Degrees of over fifty years ago with the qualifications for Degrees in the Canadian Universities at the present time will prove most interesting.

- (4) Having attended the following courses of Lectures and Hospital Practice :
  - (a) Of six months—Chemistry, Midwifery and *Materia Medica*.
  - (b) Of six months—Anatomy and Physiology, Theory and Practice of Medicine, Principles and Practice of Surgery.
  - (c) Of three months—Practical Chemistry ; eighteen months of attendance on a Medical and Surgical Hospital containing not less than eighteen Beds—twelve months of which must be during the Winter, when Clinical Lectures will be delivered on Medicine and Surgery.
- (5) Having kept three Terms as a Medical Student in this University, and being of the standing of sixteen Terms from Matriculation in Arts.
- (6) Having passed the required examination.
- (7) Having performed the appointed exercises.
- VI. *For M. D.*—(1) Having been admitted to the degree of M. B.
  - (2) Being of the standing of nine Terms from admission to that Degree.
  - (3) Having performed the appointed exercises.
- VII. *For B. C. L.*—(1) Having kept seven Terms, and passed the previous examinations in the Faculty of Arts.
  - (2) Having kept three Terms, as a Student in Law, in this University, and being of the standing of sixteen Terms from Matriculation in Arts.
  - (3) Having passed the required examinations.
  - (4) Having performed the appointed exercises.
- VIII. *For D. C. L.*—(1) Having been admitted to the Degree of B. C. L.
  - (2) Being of the standing of thirty one Terms from Matriculation in Arts.
  - (3) Having performed the appointed exercises.
- IX. *For B. D.*—(1) Having been admitted to the Degree of M. A.
  - (2) Being of the standing of twenty one Terms from admission to that Degree.
  - (3) Having kept six Terms as a student in Divinity in this University.
  - (4) Having passed the required examinations.
  - (5) Having performed the appointed exercises.
- X. *For D. D.*—(1) Having been admitted to the degree of B. D.
  - (2) Being of the standing of thirty three Terms from admission to the degree of M. A.
  - (3) Having performed the appointed exercises.

*General Conditions* : That all Candidates for Degrees shall be required to produce, previously to their being conferred, the Certificate of the Vice-President, that they are of the requisite standing, and have kept the required number of Terms. Also of the Senior Professor of the Faculty, that they have performed the requisite Exercises ; and of the Examiners that they have passed the required Examinations ; and of the Bursar, that they are not indebted to the University, but have paid the appointed Fees.

ADMISSION *ad eundem*, TO THE UNIVERSITY OF KING'S COLLEGE.

*Chapter XVII: Number Six.*

C. T. METCALFE :

Be it enacted by the College Council of the Chancellor, President and Scholars of King's College at York, (now Toronto,) in that portion of the Province formerly called Upper Canada :

I. Students, or Graduates, of any University in Her Majesty's Dominions, may be admitted, respectively, to the same, or a similar Degree in the University of King's College, on producing satisfactory documents.

II. The admission and incorporation of Graduates of Foreign Universities shall be at the discretion of the Convocation of the University.

III. Every Graduate, admitted by incorporation, shall rank after all the Members of the University, who shall have taken the same degree, previously in this University.

IV. No Graduate shall be incorporated into King's College University unless he shall have taken his Degree in the manner prescribed by the Statutes of his own University.



## REGULATIONS IN REGARD TO HONORARY DEGREES IN KING'S COLLEGE UNIVERSITY.

*Chapter XVIII: Number Seven.*

C. T. METCALFE :

Be it enacted by the College Council of the Chancellor, President and Scholars of King's College at York, (now Toronto,) in that portion of the Province formerly called Upper Canada :

I. That the Convocation shall have power, with the consent of the Council of King's College, to confer Honorary Degrees on distinguished individuals, whether they be British Subjects, or Foreigners, when they shall visit the University, or, by Diploma. But such honour shall not entitle the persons, who receive it, to exercise the powers and authorities, or enjoy the privileges belonging to the respective Degrees, when conferred in the regular manner, unless by special dispensation, approved by the Council and Visitors of King's College.

## REGULATIONS FOR CONFERRING DEGREES IN THE UNIVERSITY OF KING'S COLLEGE.

*Chapter XIX: Number Eight.*

C. T. METCALFE :

Be it enacted by the College Council of the Chancellor, President and Scholars of King's College at York, (now Toronto,) in that portion of the Province formerly called Upper Canada :

I. The Degree shall be conferred by the Chancellor, the President or the Vice President, in open Convocation ; and the Candidate shall be presented by the senior Member of the Faculty, in which the Degree is to be conferred, or, in case of his being the Presiding Officer, by the next in order in that Faculty.

II That the following shall be the forms to be used on each occasion, as hereinafter specified :—

(1.) *Presentation* : Insignissime Cancellarie. (Vice-Cancellarie, aut Pro Vice-Cancellarie, presents vobis — Scholarem, (Baccalaureum,) etcetera,) in Facultate Artium. (Medicinæ, etcetera) ut admittatur ad gradum Baccalaurei (Magistri, etcetera), Testorque eum quod ad omnia quæ Statuta requirunt aptum et idoneum esse.

(2.) *Presentation* : Insignissime Cancellarie, (Vice-Cancellarie, aut Pro Vice-Cancellarie) presento vobis hunc Baccalaureum (Magistrum, etcetera) in Accademia — creatum, ut sit eodem, (vel simili,) statu et dignitate apud nos quibus ornatus est apud suos.

(1.) *Admission* : Ad (When the Degree is in Divinity the following words are to be here introduced :—"honorem Domini Nostri Jesu Christi" ; and, at the end of the formula, the words : "in nomine Dei Patris Filii, et Spiritus Sancti") profectum Britannici Imperii, Provinciæque. Ego auctoritate mea et totius Universitatis, admitto te in gradum Baccalaurei in Artibus (Magistri, etcetera) licentiamque tibi do omnia ea faciendi, quæ aë statum istum pertinent.

(2.) *Admission* : Domine, Ego admitto te in eundem, (vel similem,) gradum statum, et Dignitatem,) gradum statum, et Dignitatem hic apud nos, quibus ornatus es apud tuos.

*Petition for Incorporation* : A. B., Bachelor of Arts (Master, etcetera.) in the University of —, humbly supplicates the Venerable House of Convocation that he may be admitted to the same, (or the like,) Degree, State, or Dignity, in this University which he enjoyed in his own.

*Certificate* : We hereby certify, that we have examined the Documents submitted by —, whose Petition for Incorporation into the University of King's College is before the House of Convocation, and that we regard them as satisfactory evidence that he is a — in the University of —; that he has taken that Degree in the manner prescribed by the Statutes of his University, and that he is qualified for incorporation in the University of King's College as a —

— Vice President.

— Senior Professor of the Faculty.

— Junior Registrar.

TORONTO, — 18 . .

*Chapter XX: Number Nine.*

C. T. METCALFE :

Be it enacted by the College Council of the Chancellor, President and Scholars of King's College at York, (now Toronto,) in that portion of the Province formerly called Upper Canada :

I. The Dues and Fees to be paid, either at the admission to Degrees, or on other occasions, shall be settled, or charged, from time to time by the Council of the College, who shall also have the power of fixing composition for any University Dues, or Fees, subject to the approval, or disapproval, of the Chancellor.

II. The Council of the College shall determine to whom, and in what proportion, the Fees and Dues shall be distributed, subject to the approval, or disapproval, of the Chancellor,

These Statutes videlicet, Chapters XIV.—XX.—were ordered to lie on the Table for consideration at the next meeting of the Council.

The two Statutes introduced at the meeting of the Council held on the 5th Instant, videlicet, Chapters XII. and XIII. (page 144, *ante*) were read and considered seriatim, and having been put from the chair clause by clause, were passed and adopted.

Moved by Professor Croft, seconded by Doctor Beaven,—that the Council respectfully suggest to His Excellency the Chancellor the propriety of adding to the Professorship of Geology the department of Mineralogy. (*Carried*).

Doctor King, who was appointed by His Excellency the Governor General, to be a Member of the Commission for the Lunatic Asylum applied for permission to accompany that Commission in its intended visit of enquiry to the United States. (*Granted*).

A letter was read from Doctor Edward M. Hodder, and from Doctor Lucius O'Brien offering themselves as candidates for the Chair of Medical Jurisprudence in the University.

Moved by the President, seconded by Doctor Beaven,—that the Principal of Upper Canada College shall be a Member of the Committee of Audit, in place of Professor Potter, resigned; and that Doctor King shall be a Member of the Land Committee, in place of the same, (*Carried*).

October 21st, 1844. A letter from Mr. J. M. Hirschfelder, dated this day, was read, applying for the position of Tutor in the Hebrew Language.

Whereupon it was moved by Doctor Beaven, seconded by Professor Gwynne,—that Mr. J. M. Hirschfelder be appointed Tutor in the Hebrew Language in the University of King's College—and that his remuneration shall for the the present arise from the Fees appointed by the Council to be paid by those Students who attend his Lectures. (*Carried*).

The Vice President proposed to the Council that the Dues to be paid to the Tutor in Hebrew be for undergraduates, £2 per term,—there being three Lectures in each week; and for occasional students £2, 10 s, 0 d, which proposal was adopted by the Council.

October 22nd, 1844. Statute, Chapter XVI, Number Five, of those introduced at the Council held on the 19th instant, being considered, Doctor King moved, seconded by Doctor Beaven,—that, in the first clause of Section IV, there should be inserted an inferior degree in Medicine to be designated "Chirurgia Magister" (C. M.)—and that the requisites to obtain the same should be as follows :—

*For the Degree of C. M.* (1) Having passed the Matriculation Examination in the Greek and Latin Classics, and in Mathematics.

(2) Having attained the age of twenty-one years.

(3) Having passed five years in the acquisition of professional knowledge,—three of which must have been occupied in attendance on Medical Lectures in Schools recognized by the University, and one at least in the Medical School of this University.

(4) Having attended the following courses of Lectures and Hospital Practice :—(1) One year of Lectures and practice for six months in the Theory and Practice of Medicine, Chemistry, Materia Medica, (with Medical Botany) and Midwifery.

(2) Two years of six months each in Lectures and practice in Anatomy and Physiology, Practical Anatomy, and Principles and Practice of Surgery.

(3) One year of three months' Lectures and practice in Medical Jurisprudence.

(4) Eighteen months' attendance on a Medical and Surgical Hospital containing not less than eighty beds, twelve months' of which must have been during the Winter, when Clinical Lectures are delivered on Medicine and Surgery.

(5) Having passed the required examination.

(6) Having performed the appointed Exercises, (*Carried*).

October 24th, 1844. The Council finished the reading and discussion of Statute XVI, Number Five, and the four remaining Statutes, of those introduced at the Meeting held on the 19th instant, (page 146).

October 30th, 1844. A Letter was read, dated the 28th instant, from Mr. Nation, Secretary of the Board of Trustees of the Toronto Hospital, asking for the names of the Professors of the Medical Faculty, who it is intended shall be appointed to take charge of the University wards in the Hospital. Referred to the Medical Faculty.

Read the following Letter from Mr. Private Secretary Higginson to Doctor McCaul :—

I am desired by His Excellency to acknowledge the receipt of your Communication of the 23rd ultimo, as Vice President of the University ; and with reference to the Memoranda transmitted therewith, by the President and yourself, relative to certain clauses in the Statutes proposed by the Chancellor, I am directed to convey to you His Excellency's approval of the suggested additions to Statutes, Chapters XVI and XX, Numbers Five and Nine, authorizing the conferring of an inferior Degree in Medicine, and empowering the Council to determine the proportions in which the dues and fees shall be distributed, subject to the approval of the Chancellor ; and I am to request that clauses may be added to the Sections of the Statutes named, embodying these provisions.

With regard to the alterations that appeared to His Excellency to be necessary in Sections Clauses II and III of Statute, Chapter XVI, Number Three, he regrets that he cannot concur in the views expressed by the President and yourself, although aware that the original Sections were in accordance with English University usage, where such appointments are not controlled by the Chancellor, nor is he held responsible for them ; no responsibility direct, or indirect, devolving on any but the Authorities of the Universities for their course and proceedings ; but in this Colonial University, in which the Chancellor is also the Governor General, what may be done under the assumed authority of the one, will not, in the public mind, be easily severed from the supposed consent of the other,—at the same time, the President and the Council may rest assured of His Excellency's willingness to consult their wishes respecting all the appointments created by the Statute.

J. M. HIGGINSON.

MONTREAL, October the 1st, 1844.

The remainder of the Statutes introduced at the meeting of the council held on the 19th instant, seven in number, videlicet, Chapters XII-XV, XVII-XIX, having been discussed at previous Meetings, were read and considered *seriatim*, and having been put from the Chair, clause by clause, were passed and adopted.

The following Members of the Council were appointed a Committee to consider the Provisions of the nine Statutes now passed :—The Vice President, Doctors Beaven and Gwynne.

Doctor Beaven having withdrawn, it was moved by the President—that a respectful representation be made to His Excellency the Chancellor of the University, stating that the Reverend Doctor Beaven has discharged the duties of Chaplain to the Institution since the commencement in 1843, and praying the Chancellor's concurrence that an allowance be made to him for his services at the rate of one hundred pounds, (£100,) currency per annum. (*Carried*).

Doctor Gwynne recorded his dissent to this Motion on the Minutes of the Council, on the ground that, on a former day the Bursar reported that our present expenditure exceeded our annual Income ; and he considers it desirable that the annual expenditure should not, under any circumstances, exceed the annual Income.

*November 27th, 1844.* The Committee appointed at the last Meeting to consider the provisions of the nine Statutes lately passed and adopted by the Council, made their report. Whereupon the President moved seconded by Doctor King, that the report be received and adopted. (*Carried*).

The Vice President submitted sundry Regulations relative to the Officers of the University, which were received and adopted by the Council.

Moved by the President, seconded by the Vice President, that the Reverend Doctor Beaven shall be appointed Dean for the year 1844-5. (*Carried*).

Moved by the President, seconded by the Vice President, that Professor Croft be appointed Proctor for the years 1844, 45. (*Carried*).

*December 5th, 1844.* Moved by Doctor McCaul,—seconded by Doctor Beaven, that it is expedient to have a Meeting of Convocation, previously to the end of the Term ; and that His Excellency the Chancellor be respectfully requested to call the same for December the 20th. (*Carried*).

#### TABLE OF FEES FOR DEGREES IN THE UNIVERSITY OF KING'S COLLEGE.

On Matriculation or incorporation in the University £1.5.0 on receiving the following Degrees :—

B. A.....	£4. 0.0	M. D.....	£7.10.0
M. A.....	6. 0.0	B. C. L.....	5. 0.0
Mus. Bac.....	5. 0.0	D. C. L.....	7.10.0
Mus. Doc.....	7.10.0	B. D.....	7. 0.0
C. M.....	7.10.0	D. D.....	10. 0.0
M. B.....	5. 0.0		



*December 23rd, 1844.*—The following Letter from Mr. Private Secretary Higginson was read :

I am directed by the Chancellor to acknowledge the receipt of your Letter of the 29th ultimo, transmitting for the special consideration of His Excellency an extract from the Minutes of the proceedings of the Council of King's College, of the 30th of October, recommending an allowance at the rate of One Hundred pounds (£100,) per annum to be granted to the Reverend Doctor Beaven for his services as Chaplain ; and, in reply to state, that the Chancellor, before offering an opinion upon the subject, is desirous of being informed whether the ground of Doctor Gwynne's dissent from the Resolution be well founded,—namely, that the present expenditure of the University exceeds its income.

Whether this be so, or not, however, His Excellency questions the expediency, in the present peculiar and unsettled state of the University question, of increasing the salary of the Professor of Divinity, or of any other Officer belonging to it.

You are requested to explain why the Minutes of the 30th October were not transmitted for His Excellency's information until the 28th November.

J. M. HIGGINSON.

MONTREAL, December the 8th, 1844.

The Bursar was directed to prepare a Memorandum on the points of the foregoing Letter upon which His Excellency calls for explanation.

#### THE DUKE OF WELLINGTON'S SCHOLARSHIP IN KING'S COLLEGE UNIVERSITY.

Read the following letter from Mr. Private Secretary Higginson :—

I have the honour, by command of the Chancellor, to transmit, for the information of the President and Council of King's College, the accompanying copy of a Communication from the Honourable John Beverley Robinson together with that of His Excellency's reply relating to the intention expressed by the Duke of Wellington to found a Scholarship in the University of King's College.

The Chancellor has great satisfaction in making this announcement to the President and Council, and he sincerely congratulates them on an event which promises to be of essential service to the University, and by which so high a distinction is conferred upon it.

MONTREAL, December 8th, 1844.

J. M. HIGGINSON.

#### ENCLOSURE : *The Honourable John Beverley Robinson's Letter.*

Many years ago, when subscriptions of stock in the Welland Canal Company were solicited in England, His Grace the Duke of Wellington subscribed for stock to the amount of £500 sterling, and provision having been made by a recent Provincial Statute for enabling the Government to acquire the interest of all the private shareholders, upon issuing debentures to them respectively for the amount which they had invested, the attention of His Grace was called to the subject by a Letter from the Honourable William Hamilton Merritt.

I have now the pleasure of informing Your Excellency that the Duke of Wellington, having considered in what manner the value of his shares could be most usefully expended by him within the Province, he resolved to apply it in founding a Scholarship in King's College. I send, for Your Excellency's perusal, copies of the Communications which His Grace has done me the honour to address to me on this subject ; and I beg leave to congratulate Your Excellency, as Chancellor of King's College, upon the signal distinction conferred on the University by thus associating with it the Duke of Wellington's name.

JOHN B. ROBINSON.

TORONTO, 20th November, 1844.

His Excellency replied to the foregoing Letter as follows :—

I have the honour to acknowledge the receipt of your Letter of the 20th ultimo, transmitting, for my perusal, copies of Communications that have passed between the Duke of Wellington and yourself, relative to the application of the value of His Grace's stock in the Welland Canal to some useful public object within the Province, and intimating that the Duke had decided in favour of a Scholarship in King's College University, and expressed his intention to found one accordingly.

I shall lose no time in announcing to the President and Council of the University, His Grace's generous design, which, there can be no doubt, will be highly and gratefully appreciated, both by the University and by the Province.

C. T. METCALFE.

MONTREAL, 6th of December, 1844.

Whereupon the President moved that a Committee be appointed to prepare a Communication to His Grace the Duke of Wellington, expressing the grateful sense which the President and Council of King's College entertain of His Grace's munificent liberality, and that the Vice President and Doctor Beaven do form that Committee. Also, that the thanks of the President and Council be presented to the Honourable Chief Justice Robinson, for the interest which he has manifested in the welfare of the University, not only on former occasions, but particularly on the recent act of munificence on the part of His Grace the Duke of Wellington, for which they have heard from His Excellency, the Chancellor, they are indebted to his suggestions. Which motion, being seconded by the President, was put and carried unanimously.

The following Letter from Mr. Private Secretary Higginson was read :—

I have the honour, by command of the Chancellor, to request that you will intimate to the President and Council of the University, that His Excellency is desirous of being furnished with the information required by the enclosed copy of a notice by a Member of the House of Assembly for an Address to the Governor General. The Address was opposed by the Government, but it was signified to the House that His Excellency, as Chancellor, would cause the information asked for to be supplied; to which His Excellency presumes that no objection can be entertained by the Council of King's College.

J. M. HIGGINSON.

MONTREAL, December the 15th, 1844.

ENCLOSURE : *Proposed Address to the Governor-General from the House of Assembly.*

Mr. James Harvey Price will move that an humble Address be presented to His Excellency for a detailed account of the financial affairs of the University of King's College, specifying its present income, together with a statement of the number of Professors, their respective salaries and emoluments, to which Religious Denominations they belong, and to what Department they are attached. Also, how many Students are now in the University, their names, and the fees paid by each; and how many Students attend each Professor. Also an account of the expenses incurred in fitting up the present temporary Building for the use of the University. The cost of the furniture applied to each Professor, particularly the cost of each Professor's Chair and Table, and also whether a Chaplain has recently been appointed to the University, what is his name and salary, and what are his duties and to what Religious Denomination he belongs, when he was appointed, from what period his salary commences, and under what law he has received his appointment.

*December 25th, 1844.* There was no quorum present, this being Christmas Day. The following is a statement of the unappropriated Funds of King's College up to date :—

	£	s.	d.
Provincial Debentures.....	29,597,	19,	5
Stock of the Bank of Upper Canada .....	250,	0,	0
Stock of the Gore Bank.....	187,	10,	0
Balance in the Bursar's hands .....	254,	15,	5
Interest due on Debentures and on Bank Stock...	278,	2,	6
	<hr/>		
	£30,568	7,	4
Bank overdraft .....	495,	1	0

Total amount available on the 27th of November, 1844. . £30,073, 6, 4

*December 31st, 1844.* The following Letter was received from the Honourable Chief Justice Robinson :—

I have had the honour of receiving your letter enclosing an extract from the proceedings of the Council of King's College at their meeting held on the 23rd instant, from which I am happy to find that the President and Council intend to convey to the Duke of Wellington an expression of their grateful sense of his liberality in founding a Scholarship in connection with King's College.

It gives me great pleasure that an opportunity has been afforded to me of contributing to procure for the University a distinction upon which I am sure every Member of it, to the latest time, will set an incitement to emulation be of some importance to the Institution, and to the Country.

JOHN B. ROBINSON.

TORONTO, 31st December, 1844.

## ADDRESS TO THE DUKE OF WELLINGTON ON HIS SCHOLARSHIP IN KING'S COLLEGE.

We, the President and Council of the University of King's College, Toronto, desire to express to Your Grace our most grateful acknowledgements of the important service, which Your Grace has been pleased to render to the Institution under our management, by the munificent act, which has been recently communicated to us by His Excellency Sir Charles Metcalfe, the Chancellor of the University.

The foundation of any Scholarship, as liberally endowed as that, which may now be established from the ample funds supplied by Your Grace's liberality, could not but be most beneficial and gratifying to the University, and to the Province; but both the benefit and the gratification of receiving so acceptable a boon are most highly enhanced by our having the privilege of thanking Your Grace as the donor, and of associating Your Grace's name with our humble efforts to promote the Religious, moral and intellectual welfare of the Youth of Canada.

We beg leave most respectfully to assure Your Grace, that our constant endeavour will be, whilst discharging the duties of the responsible position, in which we are placed, to prove ourselves worthy of the continuance and favour, which Your Grace has manifested towards us, and not forgetful, that amidst the manifold claims to admiration and respect which Your Grace has earned by a long series of services rendered to the State both in war and in peace, is the proud distinction of being Chancellor of the University of Oxford.

JOHN TORONTO, President.

TORONTO, CANADA, 31st December, 1844.

## CHAPTER XX.

## EDUCATIONAL PROCEEDINGS OF THE LEGISLATURE OF CANADA, 1844-45.

The first Session of the Second Parliament of Canada was opened on the 28th day of November, 1844, and closed on the 29th day of March, 1845. The new Members from Upper Canada were, Messieurs William Henry Boulton, George Chalmers, James Cummings, Walter Hamilton Dickson, Edward Erma-tinger, Ogle Robert Gowan,\* George Barker Hall,\* Hamilton Dibble Jessup,\* Lawrence Lawrason, Roland Macdonald, George Duggan, George Macdonell, Edmund Murney,\* John Alexander Macdonald, Adam Henry Meyers, Archibald Petrie, Robert Riddell, William Benjamin Robinson,\* Benjamin Seymour, Neil Stewart, Henry Sherwood,\* William Stewart, James Webster. Of these, only six, whose names are marked with a star, had been Members of the old Upper Canada House of Assembly. The only one of these new Members who became celebrated in the future Parliaments of Canada was, "John A.," (afterwards Sir John) Macdonald.

## EDUCATIONAL PROCEEDINGS OF THE HOUSE OF ASSEMBLY, 1844-45.

After the election of Sir Allan Napier Macnab as Speaker of the House of Assembly, the Governor General, Sir Charles Theophilus Metcalfe opened the Legislature on the 29th of November, 1844, by a Speech from the Throne, in which he thus referred to the subject of Education:—

Many subjects, in which the welfare of the Province is deeply involved, will be entitled to your earnest consideration.

None can be more important than the improvement of the Education of the People, which is one of the most urgent duties of the State, and I anxiously hope that, in addition to such other amendments of existing Laws on this momentous question as may be required, in either



section of the Province, your wisdom may be able to devise some arrangement respecting the University of King's College that may receive the sanction of the Crown, and give general satisfaction in the Colony.\*

*December 2nd, 1844.* A Petition was presented from Mr. James Durand of Dundas, praying for certain amendments to the Common School Act of 1843, etcetera; also from the Municipal Council of the Johnstown District, on the subject of Education and taxation.

*December 4th, 1844.* A Petition was read from the Reverend James Robertson of Ascott, praying that King's College, Toronto, be liberalized, etcetera.†

*December 9th, 1844.* Petitions were read from the Canada Baptist Union on the subject of King's College, Toronto; also from the Right Reverend Patrick Phelan, Bishop of Carthage, and the Very Reverend Angus Macdonnell, Vicar General, on behalf of the Corporation of the College of Regiopolis, Kingston, praying that the Corporation be authorized to hold property, to the annual value, (or income,) of £5,000, Halifax currency; also from the Reverend J. Anderson of Melbourne, on the subject of King's College, Toronto, etcetera. On motion it was,—

*Resolved,* That the Petition of Bishop Phelan and Vicar General Macdonnell be referred to a Select Committee comprised of Messieurs John A. Macdonald, Henry Sherwood, (Solicitor General,) Clement S. de Bleury, Adam H. Meyers and Donald A. Macdonnell to examine the contents thereof, and report thereon with all convenient speed by Bill, or otherwise; with power to send for Persons and Papers and Records.

An Address to the Governor General, in reply to his Speech from the Throne was agreed to. That part of it relating to Education was as follows:—

Our earnest consideration will be devoted to all subjects before them, concerning the welfare of the Province. They recognize the improvement of the Education of the People as one of their most urgent duties, and it will be a matter of the most profound gratification to them if such arrangements can be devised respecting the University of King's College, as will receive the sanction of the Crown and give general satisfaction in the Colony.

On motion of the Honourable Thomas C. Aylwin, seconded by Mr. Jean Chabot, it was—

*Resolved,* That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House a Statement, in tabular form, of all sums of money which have been expended from the Public Treasuries of the several Provinces of Upper and Lower Canada and the Province of Canada for . . . Education, in each of the several counties and Ridings in this Province, since the year 1830, specifying the authority under which such expenditure was made, and the several times of making such expenditure, and that the said Address be presented by such Members of this House as are Members of the Executive Council of this Province.

*December 11th, 1844.* The following Petitions were read: Of the Reverend Robert V. Hall of Stanstead, on the subject of King's College, Toronto; also of Bishop Phelan and Vicar General Macdonnell of Kingston, praying for aid to complete the erection of the College of Regiopolis; also of the Municipal Council of the Gore District, praying that the office of Township Superintendent of Schools be abolished.

\* The Trustees of Queen's College, Kingston, met on the 7th day of January, 1845, and, on motion, it was unanimously:—

*Resolved,* That, inasmuch as from the Speech of His Excellency the Governor General from the Throne, at the opening of the present Session of the Provincial Parliament, there is reason to expect the introduction into Parliament at an early period by the Provincial Government of some Measure to alter and amend the position of King's College, Toronto. The Reverend Doctor Liddell be deputed to visit Montreal, as speedily as possible, for the purpose of representing and explaining to the Members of the Government and Legislature the views of this Board, as expressed in the Resolution of the Trustees on the 8th September, 1842, (page 2, *ante*) and in the Remarks of the Trustees on the Bill introduced into Parliament during last Session of date the 22nd October, 1843, (page 13, *ante*). Also, that, in the event of the Government and Legislature being unwilling to carry out the views aforesaid, Doctor Liddell be instructed to urge upon them the justice of their no longer delaying to appropriate to Queen's College, such a separate Endowment, as shall enable the Trustees to set that Institution on foot efficiently, as a University, with, at least, a Faculty of Arts and a Faculty of Divinity. On the 4th February following, Doctor Liddell reported:—

That he had visited Montreal, and stayed there for three weeks,—having spent that time in communication with His Excellency, the Governor General,—The Members of the Executive Council, and as many Members as possible of both Houses of Parliament,—the object of such Communications being to enforce on all, to whom he had access, the desirableness and necessity of constructing a University Measure on the principles advocated hitherto by the Trustees of Queen's College." It was impossible for Doctor Liddell to say, until the Government Measure is announced, whether any success shall have attended his visit to Montreal. (*Minutes of the Board of Trustees of Queen's College, dated the 7th of January, 1845.*)

† A counter Petition from parties in Lower Canada was presented to the Legislature, deprecating the singling out of King's College for legislation, while all other Colleges equally exclusive, were not dealt with.

*December 12th, 1844.* Petitions were read from the Reverend John Borland of Quebec, and of the Reverend E. J. Sherrill of Eaton, Quebec, on the subject of King's College, Toronto.

*December 19th, 1844.* Petitions were read from Mr. James Millar of Sarnia Township, asking to be reimbursed for the erection of a School House in that Township; also from Mr. M. T. O'Brien and others, Roman Catholics, of Toronto, praying that the Common School Act may be amended so that they be allowed a just proportion of the Common School moneys; also from Mr. Aliel Stiles of Granby, and of Mr. David Gibbs of Russeltown, in regard to King's College, Toronto.

#### PROCEEDINGS OF THE HOUSE OF ASSEMBLY IN 1845.

*January 7th, 1845.* A Petition was read from the Reverend Henry Esson of Montreal, in regard to King's College, Toronto.

*January 8th, 1845.* On motion of Mr. Jacob DeWitt, and seconded by Mr. James H. Price, and—

*Resolved,* That a humble Address be presented to the Governor General, praying him to lay before the House a tabular statement of each of the Scholastic Institutions to which an annual grant is made from the Funds of the Province, stating the number of pupils in each, and that the said Address be presented to the Governor General by such Members of this House as are Members of the Executive Council of this Province.

*January 9th, 1845.* A Petition was read from Mr. Thomas Syer of the Township of Cavan, praying that the Common School Act now, (1843,) in operation, may be remodelled, or repealed, and a new Act passed which may have a probability of giving general satisfaction to the inhabitants of this Province; also of Mrs. Ann Cuthbert Fleming, praying for aid to enable her to publish certain Elementary Works on the English Language.

*January 13th, 1845.* A Petition was read from the Right Reverend John Strachan, Bishop of Toronto, and other Members of the United Church of England and Ireland in the City and vicinity of Toronto, on the subject of the Common School Acts of 1841 and 1843, 4th and 5th Victoria, Chapter Twenty-Nine, as follows:—

*The Petition of the Bishop of Toronto, and Members of the Church of England in the City and vicinity of Toronto, relative to the Common School Act of 1843.\**

HUMBLY SHOWETH,—That your Petitioners beg leave respectively to represent to your Honourable House, that they regard as one of their most valuable privileges, the right of educating their children as Members of the Church of England;—

That your Petitioners deprecate, as repugnant to their principles, and as accountable beings, all Systems of Education, which are not based on the Christian Religion; and they believe such Systems to be almost without precedent, in any Nation which has embraced the Faith of Jesus Christ;—

That your Petitioners would represent to your Honourable House, that, though the laws for regulating and establishing Common Schools in Upper Canada, from 1816 to 1841, were in some respects, unsatisfactory to the Members of the Church of England, and embarrassing, from their details, yet, notwithstanding, your Petitioners were enabled, from the absence of any express prohibitions, to institute Schools themselves, in which their own Religious Principles were taught to their children, together with such branches of Secular Education which they themselves judged proper.

During this period, (from 1816 to 1841), your Petitioners were in the course of establishing a Parochial, or Day, School in each of their Stations, or Missions, and, in all other places, where they could collect an adequate number of pupils, and sufficient funds to support a School Master;—

That, though these School Acts were frequently found to be inconvenient in their operation to the Members of the Church of England, yet your Petitioners did not complain, because the openness of their provisions enabled them, under judicious management, to establish, in most places, Schools friendly to the Doctrine and Tenets of the Church of England;—

That in 1841, an Act was passed; the 4th and 5th Victoria, Chapter 18, intituled: "An Act to Repeal certain Acts therein mentioned and to make further Provision for the Establishment and Maintenance of Common Schools throughout the Province,"—of which Act your Petitioners feel they have a right to complain,—inasmuch as it compelled them, by stringent enactments, to contribute towards a System of Education, which excludes the very mention of Religion;—

\* See pages 48 and 251 of the Fourth Volume of this Documentary History.



That, in consequence of this Act of 1841, and the Common School Act, since passed, (in 1843) altering some of its provisions, your Petitioners are placed in a position of peculiar hardship, because, although convinced that Religion is the very groundwork of all sound Education, and feeling it to be a sacred duty to train up their children as Members of the Church of England, they are yet virtually prevented from doing this,—being, by these School Acts, compelled to contribute to the maintenance of Common Schools, which have no Religious character, and from which it happens, that in the City of Toronto, where the Members of the Church of England constitute nearly one-half of the population, and pay more than a half of the whole assessment for the Education tax, they yet have not the control of a single School, nor can they have, under the present Common School Act, so that if your Petitioners wish to afford their children a sound Religious and Secular Education, they must assess themselves a second time, which is more than it is reasonable to exact of the members of a community, and more than the great body of any people can conveniently afford.

Wherefore, your Petitioners pray, that the Common School Act of 1843, now in force, be wholly repealed, and either that the inhabitants of Upper Canada be left to educate their children by voluntary exertion, without being compelled to contribute to Schools founded on principles, of which no sincerely Religious man can approve, or, that a Committee be appointed to distribute any appropriation of money made by the Legislature for the benefit of Education, as is done in England, and that such Committee be instructed to grant the Members of the Church of England such a portion of the said appropriation, as may be in proportion to their respective numbers, or, in proportion to the assessment paid by Members of the Church of England, or, if it be thought wiser, from the combination of both; or, if it be preferred, that a certain sum be allowed to each Congregation of your Petitioners, for the purpose of aiding in the education of the children thereof,—the sum granted to be in a given proportion to what shall be raised for Education by each Congregation, and the number of children to be instructed.

These plans appear to your Petitioners to be capable of being easily carried into effect, while they will be entirely free from difficulty on religious grounds. By the present School System, large sums of public money are taken from a people, not generally wealthy, and expended in the payment of Officers, employed to carry out a System of Education, which appears to your Petitioners to give but little satisfaction to a large majority of Her Majesty's Canadian subjects; and your Petitioners most urgently, but respectfully, pray, that your Honourable House would, either repeal the present Common School Act,—leaving it to the inhabitants of the Province to educate their youth by voluntary exertions,—or merely grant a sum of money for Education, to be distributed on one or other of the foregoing equitable principles, which, in this Memorial, are humbly submitted. And your Petitioners will ever pray, as in duty bound.

JOHN TORONTO,

On behalf of self and other Members of the  
United Church of England and Ireland in  
Toronto and its vicinity.

TORONTO, 10th of January, 1845.

A petition was read from Mr. John G. Weir, of Chatham, praying that a certain piece of Land in the said Town, granted for the purposes of Education, may be vested in the Municipal Council of the Western District.

*January 15th, 1845.* A petition was read from Mr. Joel Smith, of Grimsby, praying for an alteration of the present system for the regulation and maintenance of Common Schools in Upper Canada; also from the Mohawk nation of Indians of the Bay of Quinte praying that their Reserve be appropriated to the Religious Instruction and Education of their tribe; also from the Trustees of Queen's College, at Kingston, praying for such an alteration in the Constitution of the University of King's College at Toronto, as will secure to all sections of the community a fair share of influence in the said University, or, that Queen's College may be endowed, and provision made for its expenses during the last three years.

*Ordered,* That one hundred copies of the foregoing petition be printed in the English and French Languages, for the use of the members of this house.

*January 17th, 1845.* The following Petitions were read: From the Reverend Thomas Brock Fuller, and others, of Thorold, praying for the repeal of the Common School Act of 1843, and the establishment of a more satisfactory system whereby Religious Instruction may also be given in the Schools.

*January 20th, 1845.* A Petition was read from Mr. James Brackenridge, praying for certain amendments of the Upper Canada Common School Law, of 1843.

*January 21st, 1845.* On motion of Mr. James Harvey Price, seconded by Mr. Israel Wood Powell, it was—

*Resolved,*—That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House any Despatch,



or Despatches, from His Excellency to Her Majesty's Principal Secretary of State for the Colonies, upon the subject of the University of King's College, and also copies of any Despatch, or Despatches, from the Colonial Secretary to His Excellency on the same subject.

*January 24th, 1845.* The following Message was received from the Governor General:—

C. T. METCALFE :

The Governor General transmits for the information of the Legislative Assembly, in reply to their address of the 21st instant, (pages 112, 113, *ante*.) copies of the Correspondence on the subject of King's College University, that has taken place between Her Majesty's Secretary of State for the Colonies, and the Governor General.\*

MONTREAL, 24th January, 1845.

C. T. M.

*January 27th, 1845.* On motion it was—

*Ordered,* That 250 copies of the Message of His Excellency the Governor General, together with the Correspondence on the subject of the University of King's College, Toronto, between Her Majesty's Secretary of State for the Colonies and His Excellency the Governor General, presented to the House on the 24th instant, be printed in each of the English and French languages for the use of the Members of this House.

The following Petitions were read : Of the Reverend William Bettridge, of Woodstock praying for a repeal of the Common School Act of 1843, and for such alterations in the present system of Common Schools ; also of Mr. John Fulton, of Sherbrook, and Mr. William R. Deak, of Compton, in regard to King's College. On motion it was—

*Resolved,* That the Petition of the Right Reverend John Strachan and others, relating to Common Schools (page 156, *ante*) be referred to a Select Committee composed of Messieurs William H. Boulton, Henry Sherwood, (Solicitor General), George Duggan, John Prince, and Roland Macdonald, to examine the contents thereof and to report thereon, with power to send for Persons, Papers and Records.

*January 28th, 1845.* On motion it was—

*Ordered,* That the petition of Mr. Thomas Syer, on Common Schools, presented to the House on the 9th instant, (page 156, *ante*) be referred to the Select Committee on the Petition of the Bishop of Toronto and others.

*January 30th, 1845.* On motion it was—

*Ordered,* That the petition of Mr. M. T. O'Beirn and other Roman Catholics, of Toronto, presented to the House on the 19th, ultimo, (page 156, *ante*) be referred to the Select Committee on the petition of the Bishop of Toronto and others.†

*February 3rd, 1845.* A Petition was read from Mr. William Ketcheson and others of the County of Hastings, praying for the repeal of the Common School Act of 1843 ; also from the Reverend John Butler, of Kingsey, on the Charter of King's College, Toronto.

*February 4th, 1845.* Mr. John A. Macdonald, from the Select Committee, to which was referred the Petition of Bishop Phelan and Vicar General Macdonell, of Kingston, on behalf of the Corporation of the College of Regiopolis, with power to report by Bill, or otherwise, presented to the House a Bill to authorize the conveyance of certain real estates to the College of Regiopolis, and to enable the said College to acquire and hold real property to a certain amount : which was received and read for the first time, and ordered to be read a second time on Monday next.

*February 6th, 1845.* A Petition was read from Doctor Nathaniel Bell of Nelson in regard to Common Schools ; also from Mr. David Connell and others of Hatley, in regard to King's College ; also from the Reverend Job Deacon of Adolphustown, praying for the repeal of the Common School Act of 1843, and the adoption of some system under which Religious instruction may be provided.

*February 10th, 1845.* A Petition to the same effect was read from the Reverend John Wilson of Colborne and Grafton, and from the Reverend George W. Warr of Trafalgar.

*February, 19th, 1845.* A Petition to the same effect was read from Mr. Miles O'Reilly of Hamilton.

The Order of the Day for the second reading of the Bill to authorize the conveyance of certain real estate to the College of Regiopolis, and to enable the said College to acquire and hold real property to a certain amount, being read, the Bill was read a second time and referred to the Standing Committee on Private Bills.

\*For these Despatches, see pages 101, 102, and 112 and 113, *ante*.

†Several other Petitions on the Common School Act of 1843 were received by the House, and referred to the same Committee.

*February 26th, 1845.* On motion, it was—

*Resolved*, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to direct that there be laid before this House, copies of all Communications between Her Majesty's Government in this Province and the local Authorities of the District of Victoria, respecting the Provincial allowance for the Thurlow additional Grammar School of that District for the year 1844.

A Petition was read from Mr. Fleetwood Cubitt of Darlington, praying that the Common School Act of 1843 be repealed, and that some system be adopted, under which religious instruction may be provided for the Schools.

THE DRAPER "UPPER CANADA UNIVERSITY BILL, NUMBER ONE," OF 1845.

*March 4th, 1845.* On motion, it was—

*Ordered*, That the Honourable Mr. Attorney-General Draper have leave to bring in a Bill for erecting a University, by the name and style of the University of Upper Canada. He accordingly presented the said Bill, and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

The following is a copy of this Bill, intituled :

AN ACT FOR ERECTING A UNIVERSITY, BY THE NAME AND STYLE OF THE UNIVERSITY OF UPPER CANADA, 1845..

WHEREAS, for the more general extension of Liberal Education, and for facilitating the instruction of the Youth of this Province, of all Christian Denominations, in the various branches of Science and Literature usually taught in a University, it is necessary to modify the Charter of the University of King's College, and the application of the Endowment thereof, and to provide for the establishment of a University, in which Degrees in Arts and Faculties may be conferred ; And—

WHEREAS, in a Despatch dated the 8th of November, 1832, from [Lord Despatch of Goderich,]\* the then Principal Secretary of State for the Colonies, it is stated that, 1832 quoted.

"The Legislature of Upper Canada have already been invited to consider in what manner the University can be best constituted for the general advantage of the whole Society :—"

*Be it, therefore, enacted*, by the Queen's Most Excellent Majesty, etcetera—

I. That there shall be erected, or established, at, or near, the City of Toronto, in this Province, from the passing of this Act, one University for the Education and Instruction of Youth and Students, and the conferring of Degrees in Arts and Faculties, to continue for ever to be called "THE UNIVERSITY OF UPPER CANADA;" and that the said University shall, by that name, be a Body Corporate and Politic, and shall have perpetual succession and a Common Seal, with power to change, alter, or make anew, the same, and shall and may by the name aforesaid, contract, and be contracted with, sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and places whatsoever, and by, and under, the name aforesaid, shall be able and capable in law of acquiring, taking, having, holding, and enjoying, by gift, grant, conveyance, devise, bequest, or otherwise, to them and their successors, any estate, real or personal, to, and for, the use of the said University, or to, for, or in trust, for any other use, or purpose, whatsoever, and of letting, conveying, or otherwise disposing thereof, from time to time, as they may deem necessary, or expedient.

II. *And be it enacted*, That the Governor-General, Lieutenant-Governor, or Person Administering the Government of this Province, for the time being, shall be the Visitor of the said University, for, and on behalf of, Her Majesty, her Heirs and Successors.

III. *And be it enacted*, That there shall be a Chancellor of, and in, the said University, who shall be elected by a majority of voices in open Convocation, and shall hold office for the period of Four Years from the time of his election :

*Provided*, That the Person so to be elected Chancellor, shall be a natural born Subject of Her Majesty, and shall not, at the time of his election, or while he is Chancellor, hold any other Office, Place, or Appointment, in the said University.

\* This Despatch is to be found on pages 112, 113 of the Second Volume of this Documentary History.

Vice-Chancellor. IV. *And be it enacted*, That the Vice-Chancellor shall be a Professor of, and in, the said University, and shall be appointed by Her Majesty, Her Heirs and Successors.

Pro Vice-Chancellor. V. *And be it enacted*, That the President, Principal, or Head of each College [mentioned in sections xxii, xxiii, xxiv and xxv] shall be *ex-officio*, a Pro-Vice-Chancellor of the University, and shall take precedence, as such Pro Vice-Chancellor, according to the date of his appointment, to be such President, Principal or Head of such College.

THE CAPUT AND HEBDOMADAL BOARD OF THE UPPER CANADA UNIVERSITY.\*

Caput of the University. VI. *And be it enacted*, That there shall be for, and within, the said University a Council, to be called, "*The Caput of the University*" which shall consist of the Chancellor, the Vice-Chancellor of the University, the Chief Justice of the Queen's Bench, the Senior Judge in Equity, of Upper Canada, for the time being, the Senior Puisne Judge of the Court of Queen's Bench of Upper Canada, for the time being, the President, Principal, or Head, of King's College, as soon as the same shall have become a College of the University, the President, Principal, or Head, of Queen's College, as soon as the same shall become a College of the University, the President, Principal, or Head, of Victoria College, so soon as the same shall become a College of the University, the President, Principal, or Head, of any other College which shall be united to, and declared and constituted a College of the said University, taking precedence according to the date at which such College is so united to the University, and the Principal of Upper Canada College; and that the Members of the said Caput shall have precedence therein, in the order in which they are above named.

Precedence. VII. *And be it enacted*, That, in case, at any time, there shall be no Vice-Chancellor, the Senior Pro Vice-Chancellor shall exercise all the powers and perform all the duties of Vice-Chancellor.

Pro Vice-Chancellor. VIII. *And be it enacted*, That the Vice-Chancellor, or if there be none, then the Senior Pro Vice-Chancellor, and the two Professors, next in seniority, shall form a *Hebdomadal Board*, for the internal discipline of the said University, and the Officers, Lecturers, Tutors and Students thereof, and shall have and exercise, such powers for all, or any, of the purposes aforesaid, as shall be assigned to them by any Statute, Rule or Ordinance, to be made, as hereinafter provided, by the University Caput.

Hebdomadal Board. IX. *And be it enacted*, That the University Caput shall have full power and authority to frame and make Statutes, Rules and Ordinances, touching and concerning, the good government of the said University and Upper Canada College, the Studies, Lectures, Exercises, Degrees in Arts and Faculties, and for the summoning and holding regular, or special, Meetings of the Caput, and for the times of holding general and special Convocations, as hereinafter mentioned, and all matters relative to the same; the residence and duties, (except where provided for by this Act,) of the Vice-Chancellor of the University, the number, examination, residence, duties and order of precedence and seniority of the Professors thereof, the number of Fellowships and Scholarships of and in the said University, and all matters relative to the creation and conferring thereof; the number, residence, appointment and duties of all Tutors, Lecturers, Officers and Servants of the University; the management of the revenues and property thereof, the salaries, stipends, provision, fees and emoluments of, and for, the Vice-Chancellor, Professors, Fellows, Scholars, Officers and Servants of the University; the appointment and removal of the Masters of Upper Canada College, excepting the Principal thereof, and, generally, concerning any other matter, or thing, for the well-being and advancement of the said University, and agreeable to this Act, and also, from time to time, to revoke, renew, augment or alter all, every, or any, of the said Statutes, Rules and Ordinances, as to them shall seem meet and expedient:† *Provided* always, that the said Statutes, Rules, or Ordinances, or any of them, shall not be repugnant to the Laws and Statutes of the United Kingdom of Great Britain and Ireland, or of this Province; *Provided* also, that no Statute, Rule or Ordinance, shall be passed and adopted at the same Meeting, at which it is first introduced and considered, but that a second Meeting of the Caput shall be specially convened, for the passing and adopting any such Statute, Rule and Regulation: *Provided* also, that no such

\*See criticism on this Board on page 106, *ante*.

†See also Section xx of this Bill, page 162, *post*.



Statute, Rule and Regulation shall have any force, or effect, until it shall have been approved and confirmed by the Visitor of the University, under his Hand and Seal at Arms: *Provided* always, that, except as to the sum of £—— for Buildings, it shall not be lawful for the said Caput to pass any Statute, Rule, or Ordinance, or otherwise to authorize, or direct, the laying out or expenditure, of, or to expend, any part of the Capital Fund of the said University, or the proceeds of the sales of any endowment of Lands, or other property, that may be conferred thereupon, but that the annual expenditure shall be, at all times, except as aforesaid, limited to the annual income arising from interest, dividends, rents and fees.

Fourth proviso.

Annual expenditure.

X. *And be it enacted*, That nothing herein contained shall be construed to authorize the Caput to pass any Statute, Rule, or Regulation, for Religious Observances by the Students of the said University, or to control, or interfere with, the powers of the several Colleges in that respect, or in any other matter affecting the internal discipline, or Regulations of such Colleges.

Caput restricted as to Religious Observances and internal discipline of other Colleges.

XI. *And be it enacted*, That no Meeting of the Caput shall be, or be, held to a lawful Meeting thereof, unless five Members, at the least, be present during the whole of such Meeting, and that all questions proposed for the decision of the Caput, shall be determined by the majority of the votes of the Members present, including the vote of the Presiding Member, and that, in the event of an equal division of such votes, the Member presiding at any such Meeting shall give an additional or casting vote.

Quorum of Caput.

Majority. Casting vote.

XII. *And be it enacted*, That at any time, within two years after the passing of any Statute, or By-Law of the University, and the approval thereof by the Visitor, it shall be lawful for Her Majesty, Her Heirs and Successors, in Privy Council, to declare Her disallowance thereof, and that such disallowance shall be communicated by the Visitor to the Caput, by an Instrument under His Hand and Seal at Arms, and shall operate as a repeal of the Statute, or By-Law, therein mentioned, from the date of such Instrument.

Disallowance of Statute or By-Law.

#### A GENERAL CONVOCATION OF THE UNIVERSITY OF UPPER CANADA AUTHORIZED.

XIII. *And be it enacted*, That the Chancellor and Vice Chancellor, and all the Members, the University Caput and all other persons holding Professorships in the said University, and all other persons admitted therein to the Degree of Master of Arts, or to any degree in Divinity, Law, or Medicine, and who from the time of such their admission to such Degree shall pay the annual sum of *Twenty-Five Shillings* of lawful money of this Province, for, and towards, the maintenance and support of the said University, shall be, and be deemed, taken and reputed to be Members of the General Convocation of the said University.

Annual payment by the Members of the Convocation.

XIV. *And be it enacted*, That the General Convocation shall have authority to elect the Chancellor of the said University, and also to confer Degrees in Arts and Faculties, excepting in Divinity, on Students of the said University, and to confer Degrees *ad eundem*, excepting in Divinity, on graduates of any University within Her Majesty's Dominions, and to grant Dispensations and Letters Testimonial.

Convocation to confer Degrees, except in Divinity.

XV. *And be it enacted*, That the President, Principal, or other Head, of each College, and the Trustee Board, thereof, and all persons, whose names shall be in the Books of such Colleges as Members thereof, according to the Bye-Laws of such College, who shall have been admitted to the Degree of Master of Arts, or to any Degree in Divinity, Law, or Medicine, in the said University, or in any other University within Her Majesty's Dominions, shall be and be deemed and taken and reputed to be Members of a Special Convocation of the University for the College of which they are Members as aforesaid.

Special Convocation for other Colleges.

XVI. *And be it enacted*, That the President, Principal, or other Head of every such College, shall, at the Special Convocation of this University for his College, preside as pro Vice Chancellor, and that each such Special Convocation respectively shall have power to confer Degrees in Divinity on persons who shall conform to the College Statutes in that behalf, and make all such declarations and subscriptions, as the respective Charter, or Statutes, of the College may require.

Special Convocation President.

Degrees in Divinity.

XVII. *Provided always, and be it enacted*, That no Degree in Divinity conferred on any person who has not previously been admitted to the Degree of Master of Arts in the said University, or in some other University within Her Majesty's Dominions, nor any Honourary Degree, shall entitle the Party on whom the same is conferred to vote in any General, or Special, Convocation.

Restriction on certain graduates.

**Proviso.** XVIII. *And be it enacted,* That every member of the Caput of the University, and every Professor, or other Officer thereof, shall, prior to the entering on the duties of his Office, make and subscribe a Declaration of his belief in the authenticity and Divine Inspiration of the Old and New Testament, and in the Doctrine of the Trinity; but, that no Religious Test shall be imposed by the Caput on any Student, or Undergraduate, entering his name in the University Book, nor on any person taking a Degree, which is authorized to be conferred in General Convocation.

**Declaration of belief.**

**No "test" allowed.**

#### HOW PROFESSORS IN THE UNIVERSITY OF UPPER CANADA MAY BE APPOINTED.\*

**Qualification of Professors tested.** XIX. *And be it enacted,* That all and every, the Professors of the said University, shall be nominated and appointed by Her Majesty, Her Heirs and Successors, subject, nevertheless to such examinations as to their qualifications and attainments, as may be required by any Statute, or By-law, to be passed by the Caput: and that every such Professor may be removed by Her Majesty, Her Heirs and Successors, on the recommendation of the Caput.

**Removal of Professors.**

**Suspension of Professors.** XX. *And be it enacted,* That it shall be lawful for the Caput to suspend any Professor of the said University from his Office for any just and reasonable cause to them appearing; *Provided* that the grounds of every such suspension shall be entered and recorded at length on the Books of the said Caput; and every Professor, so suspended, shall cease from the performance of his duties, and from the exercise of his rights, functions and privileges, until, and unless, he shall be restored and re-established in the Professorship by Her Majesty, Her Heirs and Successors, or by the Visitor of the said University; and *Provided* also that a copy, duly authenticated, of the entry and record of such suspension, and the grounds thereof, be forthwith transmitted to the Visitor of the University, in order that the same may be submitted for the decision of Her Majesty, Her Heirs and Successors.

**First proviso.**

**Second proviso.**

**Record to be sent to the Visitor.**

#### UPPER CANADA COLLEGE TO BE A "ROYAL COLLEGIATE GRAMMAR SCHOOL."

**Upper Canada College, a Collegiate Grammar School. Principal.** XXI. *And be it enacted,* That Upper Canada College shall be incorporated with, and form an appendage of, the said University, as a Royal Collegiate Grammar School, and be subject to the jurisdiction and control of the Caput thereof; and that the Principal thereof shall be appointed and removed by Her Majesty, Her Heirs and Successors.

#### KING'S, QUEEN'S AND VICTORIA COLLEGES TO BE AFFILIATED WITH THE UNIVERSITY.

**King's College.** XXII. *And be it enacted,* That King's College, upon and after the passing of any Acts of the Parliament of this Province amending the Charter thereof, shall be and become a College of the said University.

**Queen's College.** XXIII. *And be it enacted,* That Queen's College, at Kingston, upon the surrender by the Board of Trustees of any Rights, Powers and Privileges as a University, conferred upon them, by their Charter of Incorporation, shall be and become a College of the said University.

**Victoria College.** XXIV. *And be it enacted,* That Victoria College, upon the surrender of any Rights, Powers and Privileges, as a University, conferred upon them by their Charter of Incorporation, shall be and become a College of the said University.

#### HOW OTHER COLLEGES MAY BE AFFILIATED WITH THE UPPER CANADA UNIVERSITY.

**Affiliation of other Colleges.** XXV. *And be it enacted,* That all and every other College, now, or hereafter to be lawfully incorporated, shall and may, on application to the Caput of the said University, under the Corporate Seal of such College, and on furnishing a duly authenticated copy of their Charter of Incorporation to the Caput, to be enrolled among the Archives of the University, be, by a Statute of the said University, to be passed under the Regulation of this Act, declared to be, and be and become a College of the said University.

**Students shall enrol in some College.** XXVI. *And be it enacted,* That every person desirous of becoming a Student of the said University, and of attending the Lectures thereof, and of taking any Degrees therein, shall enter himself as a student of some College of the University,

\* See criticism on the NINth Section by the Honourable Robert Baldwin, further on in this Chapter.

and continue his name on the Books of such College, in conformity with the Bye-Laws and Statutes thereof, during the whole time that he shall be a Student on the Books of said University.

XXVII. *Provided always, and be it enacted*, That, if any person, desirous of becoming a Student of the said University, shall belong to some Religious Body, not having a College in the said University, it shall and may be lawful for the Hebdomadal Board of the University to enter his name on the University Books, and to admit him as a student thereof, on his producing and depositing with them a Certificate from his Parents, or Guardians of their approbation and consent to his not entering any College. Proviso.  
Exception.

#### ANNUAL GRANTS TO THE AFFILIATED COLLEGES FROM THE UNIVERSITY FUNDS.

XXVIII. *And be it enacted*, That out of the annual income of the said University, there shall be paid to the proper Officer, of each College, belonging to the same, an annual sum of not less than Three Hundred pounds, (£300), nor more than One Thousand pounds, (£1,000), for the support and maintenance of such College. Grant to each College.

XXIX. *And be it enacted*, That the annual sum to be so paid to each College shall be within the limits aforesaid, fixed and determined by the Caput of the University, under the following regulations, that is to say,—That no College, which shall not have on its Books, for the year preceding the determination of such allowance, at least ten Students, who shall have had their names also, during the same year, on the University Books, as Students thereof, according to its Bye-Laws, shall be entitled to any allowance; that the allowance to any College, not having more than ten such Students, shall not exceed Four Hundred pounds, (£400); that the allowance to any College, not having more than fifteen such Students, shall not exceed Five Hundred pounds, (£500); that the allowance to any College, not having more than twenty such Students, shall not exceed Six Hundred pounds, (£600); that the allowance to any College, not having more than thirty such Students, shall not exceed Seven Hundred and Fifty pounds, (£750); and that the sum of One Thousand pounds, (£1,000), shall, in no case, be granted to any College, not having at least fifty such Students on the Books thereof. Caput to fix allowance.  
Scale of grant regulated.

#### PROVISIONS RELATING TO THE UNIVERSITY OF KING'S COLLEGE, TORONTO \*

XXX. *And be it enacted*, That, with the exception of the Professor of Divinity, every Professor, now actually holding office in the University of King's College, may, in the discretion of the Visitor, continue to hold the like Professorship in the University of Upper Canada, until removed, or suspended, in pursuance of the power and authorities conferred by this Act. Provision in regard to King's College Professors—Exception.

XXXI. *And be it enacted*, That all Statutes, Rules and Ordinances, made by the Council of King's College, excepting such as refer to Religious Matters and Observances, and in force at the time of the passing of this Act, and which are not inconsistent with the provisions thereof, shall be and are hereby declared to be the Statutes, Rules and Ordinances of the University of Upper Canada, and it shall continue as such, in full force and effect, until the same shall be altered, or suspended, by the Caput of last mentioned University. Statutes of King's College continued.

XXXII. *And be it enacted*, That all Degrees conferred by the Convocation of the University of King's College, shall be deemed and taken to be Degrees of, and conferred in and by, the University of Upper Canada, to all intents and purposes whatsoever. Degrees of King's College valid.

XXXIII. *And be it enacted*, That all Terms kept and Studies and Exercises performed by the Students and Undergraduates of the said University of King's College, Queen's College, and Victoria College, shall have the like force and effect, and entitle such Students, respectively, to the same Rights, Privileges and Degrees, as if the same had been kept and performed in the said University of Upper Canada. Terms of the College recognized.

XXXIV. *And be it enacted*, That the words : "University of King's College," and the words : "King's College," shall be taken and construed to mean and designate the Corporation erected and created by certain Letters Patent, bearing date at Westminster, on the Fifteenth day of March, (1827), in the Eighth Year of the Reign of the late King George the Fourth, and recited, and set forth in a certain Charter of Definition of "King's College."  
King's College Charter of 1827.

\* See also the Draper Bill "to amend the Charter of King's College University, 1845," on the next page.



Act of the Parliament of the Province of Upper Canada, passed (in 1837) in the Seventh Year of the Reign of His late Majesty King William the Fourth, Chapter XVI, intituled: "An Act to amend the 'Charter of the University of King's College.'"<sup>7</sup>\*

Public Act.

XXXV. *And be it enacted*, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded; and that the same may be amended, or repealed, by any Act to be passed during the present Session of the Legislature.

Sites to be provided.

XXXVI. *And be it enacted*, That it shall be the duty of the Caput to assign and convey to every College belonging to the University of Upper Canada, a convenient Site and portion of Land for the erection of all necessary Buildings.

DRAPER BILL, NUMBER TWO, "TO AMEND THE CHARTER OF KING'S COLLEGE, TORONTO," 1845.

On motion it was—

*Ordered*, That the Honourable Mr. Attorney General Draper have leave to bring in a Bill to repeal a certain Act therein mentioned, and to alter and amend the Charter of the University of King's College. He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read for a second on Tuesday next.

It was further ordered that the Honourable Mr. Attorney General Draper have leave to bring in a Bill, in connection with the Upper Canada University, and intituled:—

AN ACT TO REPEAL A CERTAIN ACT THEREIN MENTIONED, AND TO ALTER AND AMEND THE CHARTER OF THE UNIVERSITY OF KING'S COLLEGE.

Preamble.

WHEREAS a Bill has been passed [proposed]\* during the present Session for erecting a University by the name and style of "The University of Upper Canada"; and

WHEREAS it is designed that King's College should become, and be constituted, a College, of and in, the said University; and—

WHEREAS it is, therefore, necessary to amend the Charter of King's College:—  
Be it, therefore, enacted by the Queen's Most Excellent Majesty, etcetera:

7th William  
4th cap. 16,  
repealed.

That a certain Act of the Parliament of the Province of Upper Canada, passed (in 1837,) in the 7th year of the Reign of His late Majesty, King William the 4th, intituled, "An Act to amend the Charter of the University of King's College," be, and the same is hereby, repealed.†

Name of the  
Corporation.

II. And be it enacted, That, from and after the passing of this Act, the said Corporation shall be known and designated by the name and style of "The President, Fellows and Scholars of King's College at Toronto," in the place and stead of the name given by the Charter thereof.

There shall be  
no King's  
College Chan-  
cellor, or other  
University  
Officer.

III. And be it enacted, That, notwithstanding anything contained in the Charter of the said University of King's College, set forth in the said Act of the Parliament of Upper Canada, there shall not hereafter be any Chancellor, or other University Officer, belonging to the said College.

The College  
shall not here-  
after enjoy the  
privileges of a  
University.

IV. And be it enacted, that, notwithstanding, as aforesaid, the said College shall not hereafter have, exercise, or enjoy, any of the rights, powers and privileges of a University, or hold any Convocation, or confer any Degrees.

The Bishop of  
Toronto to be  
Visitor of the  
College.

V. And be it enacted, That the Lord Bishop of Toronto, for the time being, shall be, and is hereby declared to be, the Visitor of the said College.

The Professor  
of Divinity to  
be the first  
President  
thereof.

VI. And be it enacted, That the present Professor of Divinity of, and in, the said University of King's College shall become and be the first President of the said College, and Professor of Divinity therein.

Who form the  
College  
Council.

THE COUNCIL OF KING'S COLLEGE CREATED—ITS POWERS.

VII. And be it enacted, that, notwithstanding, as aforesaid, the College Council shall consist of the President, for the time being, who shall also be Professor of Divinity, the Vice-President and the three Senior Tutors thereof; and that meet-

\* For this Act see pages 88 and 89 of the Third Volume of this Documentary History.

† The word "passed" was founded on the presumed fact, that the preceeding Bill would have been "passed" by the Legislature before this one.

‡ This Act will be found on pages 88 and 89 of the Third Volume of this History.

ings of the said Council may be summoned by the President, or, in his absence, by the Vice-President; and the President, or Vice-President, and two other Members, shall form a quorum.

VIII. And be it enacted, that the President of the said College shall have power and authority to nominate and appoint the Vice-President thereof.

IX. And be it enacted, That, for the filling up the said Council in the first instance, it shall be lawful for the Visitor to appoint three Tutors thereof.

X. And be it enacted, That all Tutors of the said College, after the first appointment, shall be subject to examination by the Council, in pursuance of any Statute, or Ordinance, in that behalf, which the said Council are hereby authorized to make, and, after examination and approval, shall and may be appointed Tutors by the said Council.

XI. And be it enacted, That the Visitor may suspend any of the Members of the College Council from his seat therein, for any just, or reasonable, cause to him appearing,—provided that the grounds of every such suspension shall be stated and communicated to the College Council in writing, at length, signed by the Visitor, and shall be entered and recorded on the Books of the said Council; and that every person, so suspended, shall, thereupon, cease to be a member of the said Council, unless, and until, he shall be restored to, and re-established in such, his station therein by Her Majesty, Her Heirs and Successors, or by the said Visitor, acting in behalf of Her Majesty, and in pursuance of any special reference from Her Majesty, Her Heirs, or Successors.

XII. And be it enacted, That the said College Council shall continue to possess and enjoy all and every the powers and privileges conferred in and by the said Charter, except in so far as the same are inconsistent with the provisions of this Act.

XIII. And be it enacted That, notwithstanding as aforesaid, it shall and may be lawful for the said College Council to initiate, as well as to pass, any Statutes, Rules and Ordinances not inconsistent with the provisions of this Act; *provided* always, that no such Statutes, Rules and Ordinances, shall come into effect until they shall have been sanctioned and approved by the Visitor, and such sanction and approval shall have been communicated by him to the College Council under his Hand and Seal.

XIV. And be it enacted, That Fellowships and Scholarships may be erected and endowed within the said College, and may be regulated by Statute of the College Council.

XV. And be it enacted, That all other the powers, limitations, conditions, privileges and immunities conferred in and by the said Charter, which are not varied, or abrogated, by this Act shall be and continue to be enjoyed, exercised and observed in as full and ample a manner, as is expressed in the said Charter, and as if the said Charter had not been in any respect varied, or interfered with.

It was then ordered that the Bill be now read a first time and that it be read a second time on Tuesday next.

THE DRAPER "UNIVERSITY ENDOWMENT VESTING BILL, NUMBER THREE, OF 1845."

It was further ordered that the Honourable Mr. Attorney General Draper have leave to bring in a Bill to vest the Endowment granted by the Crown in 1797, for University Education in Upper Canada, in the University of Upper Canada, and for other purposes therein mentioned, He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

This Bill was intituled :—

AN ACT TO VEST THE ENDOWMENT GRANTED BY THE CROWN FOR UNIVERSITY EDUCATION IN UPPER CANADA, IN THE UNIVERSITY OF UPPER CANADA, AND FOR OTHER PURPOSES THEREIN MENTIONED.

WHEREAS Bills have been passed [proposed]\* during the present Session for erecting a University by the name and style of the University of Upper Canada, and for taking from King's College all University privileges and powers; and

\* See Note on page 164, ante.

## Preamble.

WHEREAS, the endowment conferred by the Crown on King's College was designed for the purposes of University Education within the Province of Upper Canada; and it is right and just, that such endowment should be applied accordingly:—

When the property King's College at York, shall be vested in the University of Upper Canada.

Be it, therefore, enacted by the Queen's Most Excellent Majesty, etcetera, That so soon as the said Bill erecting the University of Upper Canada shall become law, or, as soon as a Royal Charter shall be granted, incorporating a University by the same name and style, in conformity with the provisions of the same Bill, all and every the land and other real estate and effects, heretofore granted by the Crown to the said University of King's College, by the name and style of: "The Chancellor, President and Scholars of King's College, at York, in the Province of Upper Canada," or by any other name, or style, and all monies, debentures and securities for money, of what nature, or kind soever, arising from the sale, or rental, of any Lands so granted, as aforesaid, or purchased, procured, or taken by, for, or through, the means of any such Lands, or any sale, or leasing thereof, or for the security of any debt due to the said University of King's College, now in the possession of the said University of King's College, or to which the said University of King's College is legally, or equitably, entitled, shall be, and the same is hereby declared to be vested in, and the property of, the University of Upper Canada, in whatever way the same may be incorporated, as aforesaid.

Debts due to King's College to be transferred to the University of Upper Canada.

II. And be it enacted, That all debts due to "The Chancellor, President and Scholars of King's College at York, in the Province of Upper Canada," shall be transferred and become due, to the University of Upper Canada; and that the said University of Upper Canada shall have the same power to sue for and collect and recover the same, and to bring any actions, or suits, whatever, in respect of all, or any, of the aforesaid property, estate and effects, or any contract, lease or agreement, relative thereto, in their own corporate name, in like manner, as if such debt had been incurred to, or such property, estate and effects had originally belonged to, or such contract, lease, or agreement, had been made by, and with, the said University of Upper Canada, and to the same purpose and effect, as if such action, or suit, had been bought in the name of "The Chancellor, President and Scholars of King's College, at York, in the Province of Upper Canada."

Debts and liabilities of King's College to be discharged by the University of Upper Canada.

III. And be it enacted, that all debts and liabilities, covenants, contracts and agreements, entered into and incurred by "the Chancellor, President and Scholars of King's College, at York, in the Province of Upper Canada," shall be paid, discharged, fulfilled and performed by the University of Upper Canada; and that the said University of Upper Canada shall be liable to any suit, action or proceeding, on account of any such debt, liability, covenant, contract, or agreement, which could, or might, have been brought against the said "Chancellor President and Scholars of King's College, at York, in Upper Canada," in respect of any such debt, liability, covenant, contract, or agreement.

The Upper Canada University to be only entitled to certain property.

IV. And be it enacted, that nothing in this Act contained, shall be held, or construed, to entitle the University of Upper Canada to any other lands, real estate, property and effects now belonging to, or held by, or in trust for the Chancellor, President and Scholars of King's College, at York, in the Province of Upper Canada, than what is set forth in the first and second sections of this Act.

The Honourable Mr. Attorney General Draper, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General, the following information relative to the University of King's College, videlicet:—

1. Estimated Income, for the Year ending December, 1844.	On £44,775.17.0 invested .....	£2,643.	2.	0
	On Land Sales and Leases .....	3,900.	0.	0
	Rents .....	1,600.	0.	0
	Interest, Fees, etcetera .....	4,061.	2.	2
		£12,204.	4.	2

2. Eleven Professors in the Faculty of Arts, Law and Medicine; Aggregate Salary £3,888.17.5; House Rent £175.1.0; total £4,064.7.5. Religions: Nine Members of the Church of England; one Roman Catholic, (Doctor King), and one Presbyterian, (the Reverend Robert Murray).

3. Students in attendance, 29 in Arts; 14 in Law; 13 in Medicine, and 2 in Divinity.



4. Expenditure on Temporary accommodation for the University £478.18.3.

5. Value of Furniture furnished to each Professor, £151.8.9½.

6. Chaplain to the University : The Reverend James Beaven, D.D., at the desire of the late Sir Charles Bagot, Chancellor, has performed Chaplain's duty in the University from its commencement, in 1843. It has been proposed by the College Council to allow him £100 Currency, a Year, for the duty; but objection having been made to the proposal, the allowance has not yet been granted to him.\*

*March 5th, 1845.*—A Petition was read from Mr. E. G. O'Brien of Adelaide, praying for the repeal of the Common School Act of 1843, and the adoption of some system under which religious instruction may be provided; also from the Gore District Council praying that the Common School Act of 1843 be not repealed but that it be amended, as previously prayed for. (Page—*ante*); also from Mr. Dudley Kennison of Shefford and the Reverend E. Whitwell of St. Armand's West, on the subject of the Charter of King's College.

The Honourable A. N. Morin, from the Standing Committee on Private Bills, presented to the House the following Report :—

Your Committee have examined the Bill to authorize the conveyance of certain Real Estate to the College of Regiopolis at Kingston, and to enable the said College to acquire and hold Real Property to a certain amount; and have agreed to certain amendments, which they beg leave to submit to the consideration of Your Honourable House.

*March 6th, 1845.*—A Petition was read from the Niagara District Council, praying that no change may be made in the School Act of 1843, except as regards the Fifty-Sixth Section, which relates to the proportion of funds allotted to Dissident Schools.

*March 7th, 1845.*—A Petition was read from Mr. Robert Stanton of Toronto, praying that no Measure affecting King's College may be entertained at this late period of the Session.

*March 10th, 1845.*—On motion of Mr. James Johnston, Seconded by Mr. Edward Ermtineer, and—

*Resolved,* That an humble Address be presented to His Excellency the Governor General, praying that His Excellency would cause the proper officer to lay before this House all communications which have passed between His Excellency and the Secretary of State for the Colonies, upon the subject of any proposed alteration in the Charter of the University of King's College.

#### THE PETITION OF THE COUNCIL OF KING'S COLLEGE UNIVERSITY, TORONTO.

*March 11th, 1845.*—On motion of Mr. William H. Boulton, seconded by George Sherwood, it was

*Ordered,* That the Petition of the Council of King's College at York, near Toronto, in Upper Canada, praying to be heard by Counsel at the Bar of the House, in defence of the Privileges, Property and Rights, committed to their charge, which are proposed to be altered by the University Bill, now before the Legislature, respecting the said College, and that sufficient time be allowed them to prepare their case, be now read, and that the Rules of this House, of the 28th June, 1841, be Dispensed with as to the present Petition.

The said Petition was read accordingly, as follows :—

*To the Honourable the Legislative Assembly of the Province of Canada, in Provincial Parliament assembled :—*

The Petition of the Council of King's College at York, near Toronto, in that part of the Province formerly called Upper Canada, most respectfully sheweth :—

That your Petitioners have learned that a Bill is now before Your Honourable House affecting this University, in which enactments are proposed, which contemplate the transfer to a new University of the privileges granted to this College by the Royal Charter of 1827, and of the property wherewith it has been endowed, and which provides for certain changes, whereby the just rights of the University of King's College would be grievously infringed; wherefore, Your Petitioners humbly pray to be heard by Counsel at the Bar of Your Honourable House, in defence of the Privileges, Property and Rights committed to their charge, and that Your Honourable House will be pleased to grant to Your Petitioners sufficient time, as on a former similar occasion, to prepare their case, for the hearing of Your Honourable House, and Your Petitioners, as in duty bound will ever pray.

JOHN TORONTO, President.

TORONTO, 27th of February, 1845.

\* This information was asked for by the Governor General. See Proceedings of King's College Council, 1844, on page 153, *ante*.

The Honourable Mr. Attorney General Draper, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General, copies of two Despatches on the subject of King's College. And the said Despatches are as follows :—

1. From Lord Goderich, Colonial Secretary, to Sir John Colborne, Lieutenant Governor, dated the 2nd of November, 1831.

2nd. From Lord Glenelg, Colonial Secretary, to the same, dated the 17th of June, 1835.

(NOTE. These two Despatches will be found on pages 55 and 56 and on pages 213, 214 of the Second Volume of this Documentary History.)

*Ordered*, That three hundred copies of each of the foregoing Despatches be printed in the English and French Languages, for the use of the Members of this House.

The Order of the Day for the second reading of the Bill for erecting a University, by the name and style of the University of Upper Canada being read; the Honourable Mr. Attorney General Draper moved, seconded by the Honourable Dominick Daly, that the said Bill be now read a second time.

Mr. William H. Boulton moved in amendment, seconded by Mr. George Sherwood of Brockville, that the word "now" be struck out, and the words: "this day week," be substituted. The question being then put on the main motion of amendment, a division ensued and it was carried in the affirmative.

The question being then put on the main motion, as amended, the House divided thereon, and the names being called for, it was carried in the affirmative: YEAS 69; NAYS 1: (Mr. George Barker Hall of Northumberland South.)

*Ordered*, That the said Bill be read a second time on this day week.

The Order of the Day for reading the two other Bills, relating to King's College, and the proposed University of Upper Canada, being read, it was—

*Ordered*, That their reading be postponed until Tuesday next.

*March 12th, 1845.* A Petition of the Right Reverend Doctor John Strachan, President of King's College, and others, Toronto, was read, praying that no Measure affecting the Charter of King's College, may be entertained at this late period of the Session; also from Mr. W. Simpson of Penetanguishene, praying for the repeal of the Common School Act of 1843, and the adoption of some system whereby religious instruction may be provided for in the Schools.

On motion of Mr. Israel W. Powell, seconded by Mr. John P. Roblin, and

*Resolved*, That this House do now resolve itself into a Committee of the Whole House, for the purpose of considering the expediency of empowering District Councils, and other Municipal Authorities in Upper Canada, to provide for the erection, completion, repairing and furnishing of Common School Houses in that part of this Province. The House accordingly resolved itself into the said Committee. Mr. Adam H. Meyers took the chair of the Committee and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Meyers reported that the Committee had come to a Resolution, which he was directed to submit to the House, whenever it shall be pleased to receive the same. Mr. Speaker put the question,—Shall the Report be received?

Mr. Ogle R. Gowan moved, seconded by Mr. John T. Williams, that the Report be received this day six months. The question having been put on the said motion, a division ensued, and the names being called for they were taken down. YEAS 20; NAYS 41: so it passed in the negative, and it was ordered that the Report be received to-morrow.

*March 13th, 1845.* Mr. Adam H. Meyers, from the Committee on the erection of School Houses in Upper Canada, reported the Resolution on the subject, which had been laid before the House yesterday, when it was—

*Ordered*, That Mr. Israel W. Powell have leave to bring in a Bill, to provide for the erection of Common School Houses by District Councils and other Municipal Authorities in Upper Canada, and for other purposes. He, accordingly, presented the said Bill to the House, and the same was received and read a first time, and ordered to be read a second time on Monday next.\*

\* The Home District Council, (See page 127, *ante*), called attention to the uncertainty of the Law on this subject.

*March 14th, 1845.* A Petition was read from Mr. Smithson Weller of Dereham, praying for the repeal of the Common School Act of 1843, and the adoption of some system, whereby religious education may be provided.

*March 17th, 1845.* The following Petition was read: Of Mr. Robert Hobson of Thorold, praying that means may be taken to introduce a uniform Course of Study, and School Books, into the Common Schools of that part of the Province, known as Canada West; also, of the Church Society of the Church of England Diocese of Toronto, praying that no Measure affecting the University of King's College, Toronto, be entertained by the House, at this late period of the Session.

PETITION OF THE VISITORS OF KING'S COLLEGE, TORONTO.

On the motion of Mr. William H. Boulton, seconded by Mr. Edward Ermatinger, it was ordered, that the Petition of the Honourable John B. Robinson, Chief Justice of Upper Canada, and others, of Toronto, Visitors of King's College, praying that no alteration may be made in the present Charter of King's College, laid on the Table of this House this day, be now read, and that the Rule of this House of the 28th June, 1841, be dispensed with, as to the present Petition.

The said Petition was read accordingly, as follows:—

*To the Honourable the Legislative Assembly of the Province of Canada:—*

The Petition of the Visitors of the University of King's College, Toronto, respectfully sheweth:—

That your Petitioners have learnt, with great concern, that certain Bills are to be brought into the Legislature during the present Session, which they have seen in a printed form, and, by which it is proposed:—

1. To deprive King's College of all the privileges and powers of an University, which it holds under the assurance of a Royal Charter, including the power of conferring Degrees in the Arts and Sciences.

2. To remove from the College the President, appointed to it by the Crown, and to appoint another to be President in his room, in disregard of the Royal Prerogative, and in contravention of the express terms of the Charter, which vests the right of appointment and removal in Her Majesty.

3. To take from King's College the property conferred upon it by the Crown, by Letters Patent, and all monies and securities arising from the sale of its Lands so granted, which are now in possession of the College, "or to which it is legally or equitably entitled," and to vest whatever is, at this moment, by Royal Grant, the property of the College, in a new University, to be established by an Act of the Legislature; which University is to be prohibited, by its constitution, "from passing any Statute, Rule, or Regulation, for Religious observances by the Students"; in other words, from prescribing as a duty any act of Religious Worship.

2. We beg respectfully to state to your Honourable House, that, when the Royal Charter, which was granted in 1827,\* by His Majesty King George the Fourth, was altered, in some respects, by an Act of the Legislature of Upper Canada, passed in 1837,† all interference with the property of the College which was carefully avoided. We believe that to have been the first occasion, in which the provisions of a Charter, under the Great Seal of England, had been altered, with the Royal sanction, by a Colonial Statute; and we believe also that there were many who, though not convinced of the regularity of such an Act, were yet led to acquiesce in it, under the hope that, if the concurrence of the Crown were obtained, it would be a final Measure.‡

3. We now beg to be permitted to prefer to your Honourable House our earnest Petition, that no such Bills, as are about to be introduced, for abolishing the privileges and taking away the property of King's College, may be allowed to pass:—

(1) Because we are fully persuaded that, except in times of civil tumult and violence, no example of such an invasion of chartered rights, and of the rights of property can be found in the history of Great Britain, or in that of any of her Colonies.

\*See Copy of the Royal Charter of 1827 on pages 222-225 of the First Volume of this Documentary History.

†For a copy of this Act, see pages 88, 89 of the Third Volume.

‡This matter is fully discussed in Chapter XIII, pages 201-210 of the Third Volume of this History.



(2) Because we are satisfied that such a Measure, as that proposed, besides being pernicious in its example, and destructive of that confidence which our Constitution and laws entitle us to repose in Royal Charters, would inflict upon this Province great and lasting injury.

(3) Because no such legal grounds as may have led, in some cases, to an interference with the rights of property in countries governed by British laws, have been shewn, or can be alleged, as a foundation for the proposed Measures.

(4) Because, not merely in every part of the United Kingdom, but in many of the Colonies, there exist corporate bodies, having no other guarantee for the continued possession of their property and privileges than can be shewn by the Corporation of King's College, but which have always felt as secure in their enjoyment as individuals feel, who hold their estates under the same description of title.

(5) Because there have been for ages, and are at this moment in Canada, endowments of very great value, appropriated to the support of Religion and the advancement of learning, which rest on no other foundation, but which have been always hitherto scrupulously and justly respected; and to this day there exist similar endowments for Colleges and Churches in various parts of the United States of America, which, having been made by British Monarchs at an early period, were safe, even amidst the violence of Revolution, and, although the Government, which made them, lost all power to protect them, they have survived every political change.

(6) And because, if the experiment is desired to be made of establishing a Seat of Learning, within whose walls no Religious Doctrine is to be inculcated, and no Religious Duties, or observances are prescribed, such an experiment, we must respectfully submit, ought, in justice to King's College, and to all who value Religious Truth, as the noblest and most important of the sciences, to be made by means of resources, which are by law at the disposal of the Legislature, and not by taking from a College, founded by Royal Charter, for the advancement of sound Religion and Learning, the endowment which our Sovereign bestowed upon it.

TORONTO,

10th of March, 1845.

JNO. B. ROBINSON,

JONAS JONES,

ARCH. McLEAN,

CHR. A. HAGERMAN,

} Visitors of King's College, Toronto.

The said Petition, having been read, it was—

*Ordered*, That five hundred copies of the said Petition be printed for the use of the Members of the House.

On motion of Mr. William H. Boulton, seconded by Mr. George Duggan, it was ordered, That the Council of King's College, at York, near Toronto, in that part of this Province, formerly called Upper Canada, be, in pursuance of their Petition, heard by Counsel at the Bar of this House against the several Bills introduced, intituled (1): "An Act for Erecting a University, by the name and style of the University of Upper Canada"; (2): "An Act to vest the Endowment, granted by the Crown for University Education in Upper Canada, in the University of Upper Canada, and for other purposes mentioned therein"; and (3): "An Act to repeal a certain Act therein mentioned and to alter and amend the Charter of the University of King's College," upon the second readings of the said Bills.

The Order of the Day, for the second reading of the Bill to provide for the erection of Common School Houses in Upper Canada, and for other purposes therein mentioned, being read, it was ordered that the said Bill be read a second time on Thursday next.

*March 18th, 1845.* The Order of the Day for the second reading of the Bill for erecting a University, by the name and style of "the University of Upper Canada," being read, and the Counsel for King's College, (Mr. John Hillyard Cameron,) having been heard at the Bar of the House, it was moved by the Honourable Attorney Draper, (West) seconded by the Honourable Attorney-General Smith, (East), that the Bill be now read a second time.

In making this Motion, the Honourable Mr. Draper spoke at considerable length: but I have condensed his Speech, wherever it was practicable to do so, —without breaking the thread of his argument, or destroying the continuity of his elaborate statement of the case.\*

\* The University Measures, which the Honourable William H. Draper here submitted to the Legislature were thus foreshadowed in his Address to the Electors of the Town of London, which he represented in 1845-6:—

Mr. Draper's Speech is chiefly valuable from its clear, historical, and elaborate exposition of the relation which had always existed between the Home Government and the people and Legislature of Upper Canada, on the question of the Charter of King's College.

It had been the too frequent habit of Speakers and Writers of the period under review, to represent these relations as "strained,"—that there was arbitrary dictation and unjust treatment on the one side, and protest and remonstrance on the other;—whereas, there was instead, invariable deference and courtesy on the part of the Colonial Ministers; and, in the case of the two opposing parties in Upper Canada, ready response on the one hand, and tacit, though unwilling acquiescence on the other.

Mr. Draper, by his quotations from successive Despatches of Colonial Ministers, has fully established the fact, that the original Royal Grant of 1797, was never intended to be for the benefit of one favoured section of the inhabitants of Upper Canada, but was designed to be the means of affording instruction and enlightenment of the entire youth of the Country.

#### PROCEEDINGS OF THE LEGISLATURE IN REGARD TO THE ROYAL GRANT OF 1797.

It is true that the Address of the Upper Canada Legislature to the King in 1797 asks for Grammar Schools, and a "College, or University;" but, in the response of His Majesty, through the Duke of Portland, Colonial Secretary, on the 4th of November of the same year, (1797,) there is not the slightest intimation in the Royal Grant, that the proposed Grammar Schools, or the "Seminaries of a larger and more comprehensive nature," would be placed under the sole direction and management of any one Church. (The reply was to an Address of the Legislature and the Grant of Lands was made to the Province.)

The very comprehensive character of the Royal Grant of Lands for Grammar Schools and Seminaries of a higher nature, showed, by the very terms of the grant itself, that the projected educational institutions, referred to in the Duke of Portland's Despatch, were to be part of a general scheme of education, and were not to be confined to a single Institution, established for the use and benefit of one Church only. The following copies of the original documents connected with the Imperial Grant of 1797 will amply confirm this statement of the case.

The Legislative Council and House of Assembly of Upper Canada, having adopted an Address to the King, praying that Lands be set apart for the establish-

... I feel gratified to be able to assure you that a Measure is nearly ready to be submitted to Parliament, relative to the great question of King's College,—by which I believe a satisfactory settlement of it will be attained. The principles of the Measure being to leave open the course of general instruction to all Religious Denominations, and at the same time, to secure the means of Christian and Theological Instruction to each Body which shall belong to the University, according to their several faiths: In other words, that, while all the students of the University are receiving their education in the Arts and Faculties, (except Theology,) from the general Professors, they may, under certain circumstances, be within the control and guidance of Members of their own Church, as to Religious Instruction and attendance at Divine Worship.

TORONTO, January the 26th, 1845.

WM. H. DRAPER.

ment of Grammar Schools in the Province, President Russell transmitted it to the Duke of Portland, Colonial Secretary. The Letter and the Address were as follows :

The Members of the Legislative Council, and the House of Assembly of this Province, having, in the late Session of the Provincial Parliament, requested me to cause a Petition from them to be laid before His Majesty "humbly imploring His Majesty that he would be graciously "pleased to direct His Government in this Province to appropriate a certain portion of the "Waste Lands of the Crown as a fund for the establishment and support of a respectable Grammar "School in each District thereof, and also of a College, or University, for the instruction of "youth in the different branches of liberal knowledge." I beg leave, in compliance with their desire, to transmit their Petition to your Grace, that it may be submitted to His Majesty's most gracious consideration.

YORK, UPPER CANADA,  
July the 21st, 1797.

PETER RUSSELL,  
President.

ENCLOSURE : *Address from the Upper Canada Legislature in 1797, to His Majesty the King :*

MOST GRACIOUS SOVEREIGN : We your most dutiful and loyal subjects, the Members of the Legislature Council, and the Commons House of Assembly, of Upper Canada, in Parliament assembled, being deeply persuaded of the great benefits that the Province must necessarily derive from the establishment of a respectable Grammar School in each District thereof, and also of a College, or University, where the youth of the Country may be enabled to perfect themselves in the different branches of liberal knowledge ; and being truly sensible of the paternal regard your Majesty entertains for every description of your subjects, do most humbly implore your Majesty that you would be graciously pleased to direct your Majesty's Government in this Province, to appropriate a certain portion of the Waste Lands of the Crown as a Fund for the establishment and support of such useful Institutions.

YORK, 3rd of July, 1797.

JOHN ELMSLEY,  
Speaker of the Legislative Council.

D. W. SMITH,  
Speaker of the House of Assembly.

To this Letter and Address the Duke of Portland, Colonial Secretary, replied :

His Majesty had taken into His Royal consideration the Petition of the Legislative Council and House of Assembly of Upper Canada, humbly imploring that His Majesty would be graciously pleased to direct his Government in that Province to appropriate a certain portion of the Waste Lands of the Crown as a fund for the establishment and support of a respectable Grammar School in each District thereof, and also of a College, or University, for the instruction of the youth in the different branches of liberal knowledge.

[His Majesty] being always ready to shew his parental regard for the welfare of his subjects in the furtherance of so important an object as the instruction of youth, and to assist and encourage the exertions of his Province in laying the foundation for promoting sound learning and a Religious education, has condescended to express his most gracious intention to comply with the wishes of the Legislature of his Province of Upper Canada in such a manner as shall be judged to be most effectual—

*First* by the establishment of free Grammar, [classical,] Schools in those Districts in which they are called for ; and —

*Secondly*, in due course of time, by establishing other Seminaries of a larger and more comprehensive nature, for the promotion of Religious and moral learning, and the study of the Arts and Sciences.

WHITEHALL, 4th of November, 1797.

PORTLAND.

SPEECH OF THE HONOURABLE WILLIAM H. DRAPER, ON HIS UNIVERSITY BILLS, OF 1845.

Mr. Draper rose to move that the University Bill be now read a second time. He hoped he should not be considered to waste the time of the House, if, in doing so, he should endeavour to dwell upon some of the larger considerations involved in the Measure, which it would be proper, and even necessary, to discuss, before any conclusion could be arrived at, which would be just in itself, or satisfactory to the people of the Province.



These considerations, perhaps, in themselves would lie in a narrow compass, but they were extended, not so much by the important principles which they involved, as from the many varied difficulties which surrounded them, and which were created by the prolonged agitation of the public mind on these subjects. That agitation has been caused in a great measure by the fact, that the people of the Province had been accustomed to look upon this matter as undetermined, from the date at which the Charter was first granted in 1827, up to the present time. For although, from the moment the Crown had declared its determination on the subject of the Charter, which had passed the Great Seal,—although, from that moment, he said the question might be considered a settled one, yet all who were acquainted with the state of the Country knew full well, that, from the time when the Charter was granted up to the present day, the Country had not considered the question finally disposed of; and that, between the time of the promulgation of the Charter in 1827, up to the passing of the Provincial Act of 1837, it had been considered unsettled, not only by the people of Upper Canada, but by the Provincial Parliament,—the Advisers of the Crown, and even by the Home Government.

For my own part, I may safely say, that, if there be one question more than another, which, if it were possibly consistent with my sense of public duty, I could wish to avoid, it is this one. Or, if there be any one thing which, more than another, would make me hail with joy a retirement from public cares to private life, it would be the desire to escape from the responsibility of this Measure—I know no Measure, the cares of which would make me so anxious to take that course. But it is my bounden duty, especially connected, as I am, with a Ministry, which grounds its proceedings on the principles contained in the Resolutions of 1841. I say it is my bounden duty, not to shrink from any great question which concerns the welfare of the Country. I stand in such a position, that I must either stand or fall by this Measure, upon which I had made up my own mind, and upon which my Colleagues have made up theirs.

I appeal to the past experience of the country, and I call upon Members of the House, who were acquainted with its history, to say whether it would be possible to defer, or delay, a Measure, which agitated the public mind, even when the Measure was of a merely political character, without incurring very serious difficulties. And if that were the case, when mere political questions were involved, how much more would it be so, when, in addition to political points of difference, questions of a Religious nature were raised also. Of all questions which could agitate the public mind,—of all questions which could depose Administrations, or which could deprive a Country of its peace and tranquility, he knew none so dangerous as those which affected,—he would not say the Religious principles—but the Religious prejudices also of a people.

His sole wish, and anxious hope, was to procure a final settlement of this University question, and none ever could be final, unless it was founded upon principles which the people of the Country could approve.

In referring to the history of this important question, it would be necessary to occupy a short time, in looking back on what had passed, in order to draw from that past the means of ascertaining what would be the surest, best and safest course for the future. He would not go so far back as to enquire into the questions which once agitated the public mind, as to how far the appropriation for the purposes of King's College was consistent with the appropriation for the purposes of Education, which had been made in the years 1797 and 1798; it was enough for him to assume that it was the will and desire of the Crown to appropriate specific quantities of Land for the purposes of giving the advantages of a University Education to all classes of Her Majesty's subjects. That intention was unequivocally expressed, as might be seen on reference to Despatches from the Home Government on the subject, as well as by the inspection of the Minutes of the Executive Council, previous to the Charter of King's College being granted. He might venture to say,—and it would be found, that it was intended to afford the means of a Literary and Scientific Education,—in fact of such an Education as was usually afforded at Universities, with all that belong to it, to all classes of the community.

I do not believe that it could be proved, that the Land which now forms the endowment of King's College was originally intended to be granted to the exclusion of any class of the people. It was intended to be open to all; for he was now speaking, (and it was necessary that he should be distinctly understood,) of the state of the question, at the time when it was first determined to appropriate this Land, before any Royal Charter had been granted to King's College. He believed it was impossible to take up that Charter, and, after reading it, to deny, that, by the force of its provisions, King's College was made a Church of England Establishment—no man, he said, could examine that Charter, and then say, that it did not make this College an exclusively Church of England one. In the first place a Church of England Bishop was to be its Visitor, and a Dignitary of that Church, and no other person but a Dignitary, was to be the President. It required, in the next place, that the Professors should subscribe to the thirty-nine Articles of the Church of England; and lastly, it provided, that the Degrees in Divinity should be conferred

by a Convocation, to be regulated in the same manner, as that of Oxford. Now, taking all these facts into consideration, I hold, that it would be folly to deny, that this University was intended to be strictly a Church of England University,—as much so as the University of Oxford; perhaps not quite so much, because, with respect to Students, the Charter did not provide any test, but rather left the door of education open to all parties, subject only to the Regulations of the College Council.

Such a Charter would have been satisfactory enough, if it could only have accomplished the object which the grant was intended to provide for; that is to say, the education of all classes. I would have been glad to see it stand as it then stood; I would have been glad, that this question should not have been brought before the House; but, as that was not the case,—as a necessity now existed for dealing with it, I would beg the Members of the House to make themselves masters of the history of this question.

There was one fact, or rather two, or three, facts, which it was necessary to consider; (1) from the time that the Charter was first made known to the people of Upper Canada, the opinions of their Representatives in Parliament were expressed with regard to it . . . I believe I am right in saying that repeated majorities in the House of Assembly would be found, from that time to this, all declaring by their votes that this Charter was not in concordance with the wishes of the people of the Country, while not one vote could be found to the contrary. . . . If then the Home Government, (for it was by the Government of George the 4th that this Charter was granted);—if the Home Government had intended that, *coute qui coute*, this Charter should establish a Church of England University, and that no other but a Church of England University should receive a Charter, the moment the question was raised in Canada there would have been a declaration of the opinion entertained by the Imperial Government on the subject. It would have been said, that such a Church of England Charter, and such only, would the Crown grant; . . . If that principle had been intended to be adopted,—if it had been designed to grant a Charter only to an Institution which should be essentially of a Church-of-England character, then it might be expected that there would have been an expression of that opinion by the Colonial Secretary at the earliest possible period. That, however is not the fact; for the earliest Despatch\* on the subject was written in September, 1828. Now, let the Members of this House look at the Charter, and they will find that it was not a year after the date of that Document, that this Despatch was written, as to admit of the belief, that there could have been any forgetfulness on the part of the Home Government as to the principles which had actuated them in granting the Charter . . . There was a distinct declaration on the part of the Home Government, which expressed to the Governor-General the desire of His Majesty to grant no Charter contrary to the wishes of the people of the Province.

At a later period,—three years later,—in 1831—a short period when the history of the Country, in relation to this question, was considered, another Despatch was written; . . . This Despatch, which had been communicated to the Authorities of King's College, was written at a period when the intentions of the Home Government were then if so comparatively modern and a recent a date, that no hesitation could have been possible in England as to the principle upon which it is determined to establish this College.

(Mr. Draper then read the whole of the Despatch written by Lord Goderich, Colonial Secretary, on the 2nd day of November, 1831.)†

Mr. Draper, proceeding, stated, that Upper Canada College was, and still is, an Institution distinct from the University of King's College, and was designed to be a place for the education of boys who, after, going through the seventh form there, enter King's College as under-graduates; therefore the Despatch which he had just read, showed the opinion of the Home Government, that such an Institution ought to be for the benefit of all classes. . . .

The Despatch clearly showed what was the intention of the Home Government. It showed that the effect of the Charter had been to make the King's College an exclusive one, in consequence of which it had failed in its object; and that, when the attention of Members of the Government had been drawn to that fact, they expressed their belief, that it would be just and politic to remove the cause of the heartburn and jealousy created by the exclusive character of the University; and further, that Legislative aid should be invoked for that purpose, rather than they should not be removed at all. From that time, (1831), the subject had frequently

\* This Despatch was written to Sir John Colborne, on the 29th of September, 1828, by Sir George Murray, then Secretary of State for the Colonies, and formerly an Administrator of the Government of Upper Canada, (in 1815). It will be found on pages 257 and 258 of the First Volume of this Documentary History.

† A copy of this Despatch will be found on pages 55 and 56 of the Second Volume of this Documentary History. The action of the Council of King's College on this Despatch is given on pages 32-37 of the Third Volume of this History.



engaged the attention of the Colonial Legislature, and he saw by a Despatch of the date of 17th June, 1835,\* that the question had then been more than once discussed in Upper Canada.

In addition to the authorities which he had already cited,—besides the judgments which had been pronounced by the Parliament of Upper Canada, by the Executive Council, and the Home Government, he would now add the express opinion of His Majesty's Representatives in the Province; because more than one Message had gone down, at the opening of the Legislature, in one and another of which would be found the views of the Governor, expressed always in accordance with the principles contained in the Despatch of the 2nd of November, 1831, which he had read; while, so far as he knew, there was no one occasion upon which a contrary opinion had ever been given; which, indeed, would have been contrary, not only to the views put forward in the Despatch he had read, but also to the recommendation of the Canada Committee, of the British House of Commons in July, 1828,† to the advice of the Executive Council, and to the wishes of the people of Upper Canada, as well as to the will of their Representatives.

These were the facts to be carefully considered; for he had exhibited a mass of testimony, from these public Documents, furnished by parties who had no control whatever over each other, because it could not be contended that it was any influence of the Government at Home which produced the expression of the opinions of the Colonial Legislature, nor that the declarations of the House of Assembly had such overpowering force in Downing Street that everything said there was echoed back again. He might, then, consider that he adduced the evidence of several Bodies,—all independent of each other,—and yet all pointing to one common end. Such was the state of affairs when the Despatch was written which he would now read; its date was 17th of June, 1835.

Having read the Despatch, Mr. Draper remarked, that he had read it in confirmation of a point which he had endeavoured to establish, videlicet, that, from the period of the Charter being granted, in 1827, down to the year 1837, when the Act to amend it was passed . . . the principle acted upon had not been to adhere to the Charter, (merely because it had been granted), but to take measures to procure a surrender of the Charter, because it was the intention of the Crown to grant another Charter, in a form and manner satisfactory and beneficial to the people of all classes, but which had not been carried into effect. That such was the object, when Sir Francis Bond Head came out to this Country, was proved by a circumstance which Members of the House would no doubt recollect,—that when Sir Francis read his instructions, one of the first paragraphs of them contained an express reiteration of the same sentiment, which he was to press upon the Legislature of Upper Canada, in order that they might amend the Royal Charter and make it more agreeable to the wishes of the people. In 1837, accordingly, the Legislature undertook the subject, and he was not aware that, up to that time, any declaration had been made by anybody whatever,—Executive or Legislative, which enunciated an opinion other than that the Charter was not satisfactory to the people of Upper Canada. He now appealed again to the experience of Members of the House . . . as to whether a growing dissatisfaction did not exist, and whether the Authorities of King's College did not grant this point,—that they had no disposition to maintain the Charter, contrary to the wishes of the community.

From all these circumstances, he again drew the conclusion, that this question was one upon which the Home Government desired to have the opinion of the people of this Province expressed, with a view to a determination of this question by granting a new Charter, in accordance with these opinions. In another Despatch is to be found the following language:—

“That, upon an expression of the will of the people through their Representatives, after a surrender of the Charter, the Crown would grant another one, in accordance with those wishes so expressed through the Representatives of the people . . .”

He desired to call the attention of Members of the House to one or two points, in order to show the nature of the change which was affected by the Act of 1837, amending the Charter, and thus to enable them the better to institute an inquiry into the grounds upon which further change was now required. In the Charter of 1827 it was provided, that the Visitor must be a Member of the Church of England; that rule was done away with, and, in lieu of it, the Justices of the King's Bench were appointed instead of a Bishop, the Visitors of the University. That, as far as it went, was a declaration that the Visitors of the College should not necessarily be connected with the Church of England. The question, however, which he was now endeavouring to discuss, was neither more nor less than this,—did the Legislature, of 1837, express its opinion that it was advisable to do away with that part of the Charter which made the Visitor necessarily a Dignitary of the Church of England? . . . It certainly did so express itself.

\* This Despatch will be found on pages 213, 214 of the Second Volume of this Documentary History.

† Page 254 of the First Volume of this History.



The next step which the Legislature took was as to the President. It was still more emphatic and unequivocal ; for while, on the one hand, they would not consent to deprive the Individual in possession of the position which he occupied, they declared that, for the future, it should not be necessary for the President to be the incumbent of any Ecclesiastical Office whatever. The Charter of 1827 said that the Archdeacon of York should be the President—the Act amending the Charter declared that the President need not hold any Ecclesiastical Office. The declaration on that point was, therefore, unequivocal. The Act also did away with the test, which was before necessary to be taken by Professors, of subscription to the 39 Articles of the English Church ; and it substituted no other test than the simple declaration of belief in the authenticity of the Old and New Testaments, and in the Doctrine of the Trinity. He thought that was a test which could be signed by people of many other Churches, besides the Church of England ; and, therefore, as these were Doctrines upon which Members of all Christian Churches were agreed, it certainly could not be said, that, when this test was substituted, it was not intended to do away with another portion of the exclusive character of the Charter ; and the alteration, coupled with the fact, that it was no longer necessary for the President to hold an Ecclesiastical Office, sustained this position,—that as to the Presidency and Professorships, all the exclusive character of the Institution has been done away with. The Act of 1837, amending the Charter, also provided, that the King's College Council should be composed of a different class from that sanctioned by the original Charter of 1827. It did away with the subscription to the Thirty-nine Articles, and provided for the introduction of a new class of persons. . . .

Without discussing, whether these alterations were wise, or unwise, he would ask, what were the declarations of the Act amending the Charter on this point. It declared that the Speaker of the House of Assembly should be a Member of the College Council. Who was he ? The Chair of the House has since been worthily occupied ; it was then filled by a Member of the Church of Scotland,—afterwards the Honourable Mr. Justice McLean. Next it provided, that the Speaker of the Upper House should also be a Member of the Council ; and that appointment was made, without the slightest reference as to who might, or who might not, be Speaker of the Legislative Council.\* And next, that the Attorney General and Solicitor General, should be in the Council likewise ; but there was no law, . . . which required that either of those Officers should belong to any particular Church. . . . He contended, therefore, that, when persons of that description were placed in the Council, merely on account of the Offices they held, and . . . without being required to take any other test than the one he had already referred to . . . it afforded pretty good proof that the intention of the Measure of 1837 was to take away yet another part of the exclusive character which the Charter, in its original form, had possessed. . . .

His public duty rendered it necessary for him to quote the authority of those now engaged in the management of King's College in support of his position. . . . In the anxiety of the Legislature to do away with everything of an exclusive character, it had gone so far as to declare that Degrees in Divinity might be taken without any test being required. He admitted that there was a great inconsistency involved in that declaration, which would be avoided by his Bill ; but, without discussing whether that rule was wise, or unwise, he quoted it for the purpose of asserting his second position, videlicet :—That the will of the people, expressed through their Representatives in the Legislature, was in favour of the College being thrown open to all classes of Her Majesty's Subjects, without any distinction on the score of Religion, except that to which he had formerly alluded.

He had, then, clearly established, (1), that the University was founded with a Church of England Charter ; and (2), that His Majesty's Government, finding the dissatisfaction that was created thereby, referred that Charter to the Legislature of this Province, in order to obtain an expression of the will of the people with regard to it, through their Representatives ; (3) he had shown the earnest desire of Government to receive that expression of opinion and to act upon it, after the Charter should be surrendered, by conferring a new one, which should contain more expansive provisions, and such as the people of the Country were desirous of obtaining ; (4), he had shown, moreover, that the question was submitted to the Legislature, and that, then, the Representatives of the people passed the measure in 1837, which, however faulty in its details, was in effect a declaration of the principle, that King's College should be thrown open for the benefit of all classes of the community.

Having reached that point in his argument, he must now refer back to a former part of the discussion. He had stated boldly, a fact which could not be contradicted, that the expression of the wishes of the people, through their Representatives, on this question, had been all one way. He repeated that the expression of their wishes had been all one way. . . . It might be said by Gentlemen on the opposite side of this House,—and he wished to call attention to

\* In 1837, the Speaker of the Legislative Council was the Honourable Chief Justice John Beverley Robinson.

the objection, because Gentlemen from the Eastern part of the Province probably had not so intimate a knowledge of views of the people of Upper Canada on this subject as his friends around him, or even as himself; . . . it might be said, by his opponents, that these declarations of opinion proceeded from that party,—with whom, indeed, he had no great sympathy, who were generally opponents of the Government; and that, therefore, these expressions of opinion, instead of indicating the feelings of the public, only showed that they were the wishes of a party. Without alluding to the fact further than to admit, that such was the case, he would refer to the celebrated Resolution which was carried on this subject; he was not sure that that Resolution was not passed in what was commonly called “the Saddlebags Parliament;” but the argument to be deducted was this,—that the idea of these declarations of opinion, being only the expressions of a political party, was confuted by the fact, that the same Resolution also passed through the Parliament of Sir F. B. Head, in which the party, which were in the majority in “the Saddlebags Parliament,” was certainly then in the minority. He was warranted, therefore, in saying that this was not a political question, because “the Radical Parliament,” “the Reform Parliament,” “the Saddlebags Parliament,” “the Tory Parliament,” and “the Conservative Party,”—in which the supporters of Sir F. B. Head had a majority,—and also that Parliament, in which the majority was composed of those with whom he usually acted, all concurred in the propriety of a Measure based on the principles contained in the Despatches he had read to the House, videlicet:—That the original Charter of King’s College was not satisfactory to the people of this Province, because it was exclusive in its character, and that it should be thrown open by the provisions of the Charter Amendment Act of 1837.

Whether his arguments were well founded, or not, he believed that few would contradict his facts. Whether his conclusions were sound, or whether they were unsound, few would question the grounds upon which he based them. But, if they were sound, then he said that the principle was formally Established in 1837, that, for the purpose of making the University of King’s College an establishment for the general education of all classes, and with the object of doing away with the dissatisfaction so unequivocally expressed; the Crown had been willing to give up a great principle of the prerogative, and to invite legislation by Parliament on a subject, on which legislation, according to ordinary rules, ought to have come direct from the Sovereign. He had proved, moreover, that the Representatives of the people of this Province had concurred in the recommendation of the Crown, and had adopted the principle, that an Institution, for the purpose of education, based on exclusive principles, was not fitted for the state of Upper Canada. And he had shown that the endowment of Crown Lands, which that Institution had obtained, according to the opinion the King by whom the Charter had been given, was not designed for the advantage of one class, but was granted for the benefit of all. . . .\*

He felt that he had now established a fact, that both the Sovereign and his Advisers, and the Parliament of Upper Canada, had concurred in the principle which he had laid down. He would now show that it was adopted also by those who were at that time the governing Body of King’s College. With regard to the principle that the College should not remain an exclusive Establishment of the Church of England, he said that those, who, at that time, formed its governing Body, and who belonged to the Church of England, had continued to govern and administer the affairs of King’s College from that day to this,—some of them in the same position which they had held before the Act of 1837 was passed, and, in this, they, at least, gave some proof that they acquiesced in that principle. He did not wish to press that point, with a view of making any remark which could in the slightest degree wound the feelings of those Gentlemen; for, he sincerely venerated and respected many of them. . . . But he felt that, without touching on this part of his case, he should not be doing full justice to a subject of such magnitude as the one before the House. . . . He trusted that he could appeal to both sides of the House as witnesses, that he was not one of those who wantonly assailed or outraged the private feelings of any man, or any body of men, if he were compelled to touch incidentally upon such a question, he would do it with affection, and as one who desired, far from inflicting pain, to soothe the wounded feelings, which might be pained at the course which he took. . . .

#### PRACTICAL EFFECT OF THE ACT OF 1837 TO AMEND THE KING’S COLLEGE CHARTER OF 1827.

He introduced this part of the question, because he could not keep back anything connected with the subject, and he was, therefore, obliged to repeat, that, whatever might be the private feelings of individuals connected with the University, the Bill of 1837 did make the changes to which he had alluded;—it did take away from the Church of England the right of having the Visitor, President, Professors and Members of the Council, of that University chosen exclusively

\*See the Reply of the King on this point (through his Colonial Minister), to the Address of the Legislature of Upper Canada in 1797, on page 172, *ante*.



from her Communion, and of keeping to herself the sole direction of the Religious Education and observances of the Students. He said that the Act of 1837 passed at Toronto within the very sight and hearing of Gentlemen, who were connected with the Council of the University of that day, and yet the Measure was not even opposed, much less was there any application made for the Corporation of King's College to be heard by the Counsel at the Bar of this House. That Act was not passed in the dark;—the principle was not asserted secretly; on the contrary, the Measure was referred to a Select Committee of the House,\* and was discussed day after day and week after week, in a Building not so large as this; while, on the opposite side, and at a distance not so great as that which separates us from another Branch of the Legislature, sat the Legislative Council of that day; and, in that Council, sat some of those in whose hands were placed the guardianship, the management and the protection of this Institution which I am now accused of being desirous of—he knew not how to term it, because he only wished to assert the principle already carried out. Within hearing, however, of the discussion of that Bill, and he did not speak over metaphorically but literally; for at the time, the Speaker's Chamber in the House of Parliament, in Upper Canada, was placed just behind the Speaker's Chair, in such a position that, whatever took place, in the House of Assembly, could be heard there, and in that Chamber sat some of the guardians of the Institution; within hearing of the discussion on this Bill were some of those who, if, that Measure were an improper one, ought to have been the first to hold up their hands and to protest against it. If it were not their duty to do so; then he asked if, placed in the situation in which he found himself, with no alternative between meeting the difficulty, and retiring at once from the Councils of the Province—If he were now to be accused of taking a course inconsistent with the duty he owed to his Church? He would say to those who brought such accusation, why did you not raise your voices at the time referred to, when everything of an exclusive character was taken out of the Charter? And he would ask that question, because he believed, that, at that time, no opinion opposed, to the Act of 1837 was entertained by any one.† He believed that there was a sincere feeling—a firm and honest conviction on the minds of the Guardians of the University, at that time, that what they were doing was the most likely means of protecting and preserving, not of injuring, the Institution. They believed they were doing an act, not worthy of being called what they called his, but one of which they might safely and justly accede to. For himself, he would say no more than this point;—whatever their motives were,—and he gave them credit for being actuated by the most noble, and purest, . . . If they took it from high and holy motives in the firm conviction that they were doing right, it was well; and all that he desired to draw from it was this,—that they were assenting parties to a change involving the whole principle which he now contended for,—the principle of expansion and liberality.

There was one point in which the present Bill was rather a contraction of the principle then laid down. He had just now stated to the House that he should have to allude again to one part of the amended Charter, which he admitted contained something very like inconsistency,—he meant that which referred to the Degrees of Divinity. . . . When Degrees in Divinity were given, they were to be considered as certificates of the judgment of those who conferred them, as to the opinion of the parties who received them; and it did not appear to him that they ought not to be given to the man who professed no opinion at all. A man had to be examined in the Classics, and in the other different branches of the Arts course; and having been so examined, it is certified that he has obtained a certain degree of proficiency in those studies.—It was the same with Medicine and with Law. . . . Other Degrees were conferred by “dispensation,” or other modes, . . . but he spoke of those only which were gained as the result of the usual College course. When the Charter of 1827 was amended, as described, he looked upon the question of interference in the matter as one merely of time; because he took it for granted—if no other charge were to be made, or to be desired, even, if all parties were agreed as to the general principles of the Charter, as amended, being satisfactory, there would still exist a clear opinion in the minds of those acquainted with the working of the system, that some amendment, in the mode of granting Divinity Degrees, was absolutely necessary.

There was another point to which he wished to call their attention. Owing to several changes, some of which were connected with the University, and others over which the University had no control, the management has fallen entirely into the hands of those who at present conduct it. Now, it never had been the intention of the Legislature to leave the management of the University to the Professors. The original Charter did leave it to them

\*See pages 43, 45, 50, 52, 60, 61—70, 72, 74, 76, 78, 79, 84—99 of the Third Volume of this Documentary History. Mr. Draper himself was a Member of this “Select Committee.”

†On the 30th of January, 1837, the “Bill to amend the Charter of King's College” was returned by the Legislative Council to the House of Assembly, “without amendment,” although an elaborate and unfavourable Report on the Bill was adopted by that Council at the time. It did not accompany the Bill however. See page 52 of the Third Volume of this Documentary History,



certainly ; but the Charter, as amended, had added other Persons, who had no other interest in the Institution than that which arose from the character of their Office and their high standing in the Province. The Legislature had introduced those Persons, in order to add to the College Council some lay Members, because it had been considered unsatisfactory that the Council should be composed entirely of Professors.

Now, what was the operation of the present law on this subject ? By changes, which neither the framers of the law of 1837, nor the Council of the College, were answerable,—because there was no probability that either Body could have foreseen the political changes which the Union of the Provinces had brought about ;—but, in consequence of those changes, it became morally impossible for the duties confided to the Speakers of the two Houses of the Legislature to be satisfactorily performed. How often, since that Union, had the Speaker of either the Lower, or the Upper, House, taken his seat at the Council Board ?—How often was it possible for the Law Officers of the Crown to take their seats there ? The Honourable Robert Baldwin, who had lately filled the Office which he now held, knew well how little time he could give to those duties : The late Solicitor General knew also the difficulty of attending to them, when he had been in office in 1841 ; and now for himself, he had found it utterly impossible to devote that attention to the subject which would be necessary, if he endeavoured to exercise an official control over its affairs. When it was impossible that the Crown Officers could do more than be a casual visitor at the Council, he did not like to render himself responsible for every act his Colleagues might do, by dropping in at the Council Meetings occasionally, at times, when he was desirous of recording his vote upon some subject in which he felt a particular interest.

He had now pointed out two cases, in which a remedy was essentially necessary, and he, therefore, came to the great and important constitutional principle which was involved in this question. The Crown had, in 1831, as he had shown, invited the authorities of King's College to surrender their Charter.\* At that time, the Charter, having been given by the Crown, the Body in question might have given back what it had received ; but without any very deep reflection,—speaking on general principles—he thought it would readily appear, that the state, in which things then stood, had been entirely altered by the enactment of the amending law of 1837 ; and the Authorities of King's College could not do that, which, under present circumstances, would be the repealing of an Act of Parliament : That was to say, the College could not now give back, under its Great Seal, the amended Charter which had been conferred upon it in 1837, by a Legislative enactment, to which the assent of the House of Assembly, the Legislative Council, and the Crown had been given. Under these circumstances, it would be found that, for the purpose of effecting any change, a reference to the Legislature was indispensibly necessary. Having made that statement he would not go further on that point. . . .

He would now proceed to show that, if, on the one hand, the action of the Legislature had been adopted, and conceded, as it were, or, perhaps, he ought to say, accepted ; so, on the other hand, even with reference to that very acceptance, it became necessary to apply to the Legislature again, in order to remedy the admitted evils. That would be the case, if there were no other like questions at issue ; but were there no other questions ? And here he approaches those grave considerations which had induced him to bring the subject under the notice of Parliament. If he thought there was hope that any plan could be devised by human ingenuity and hands, which would be free from objections, most thankfully would he receive it ; but he knew very well that there must be objections to any plan which could be propounded. . . . Still, it was no argument to say, that, because there were objections, they should not be taken up, or because there was opposition ; it should not be grappled with. . . . He could cheerfully be convinced, if any such conviction could be brought home to his mind, that there was no need for any Legislative enactment at all, in respect to this University ; and he would relinquish this Measure at once, if any Member of the House would rise and assure him, that the present Constitution of King's College was generally considered satisfactory. He made that statement, because he was convinced that the contrary was the fact,—because the expression of the public opinion had been unequivocal.—Whether he should succeed, or should fail, he would still feel that he was justified in his attempt to place this great question on a sound footing ; because, when he took Office, it became at once his duty to remedy, as far as was in his power, all existing evils.

In viewing this case, he had not failed to consider that there was a question of prerogative involved in it.—He alluded to the right of the Crown to originate all Institutions intended to confer Degrees. He had been influenced by that consideration very much in framing this Measure,—the second reading of which he was now moving,—and he had prepared it in such a manner, that he believed nothing would be found in it, which Her Majesty could not properly

\* See note† on page 174.

assent to ; or which, on the other hand, if she were so advised, might not be embodied in a new Charter. The passing of this Bill would be nothing more than a declaration of the opinions of the Representatives of the people, as to the form in which they think a University could be successfully established, while it gave Her Majesty full scope to put into the shape of a Charter that which they wished to see carried out. The Despatches which he had read, as well as other Despatches to the same purpose, confirmed him in the view he had taken, namely, that there was a desire on the part of the Crown to give effect to the principles contained in the Measure he was speaking to, and the Bill would give Her Majesty two courses, either of which was open to her. It was not for him to say whether Her Majesty's Advisers would leave this law open as an enactment of the Legislature of the Province, or whether he would recommend that she would give to it the shape of a Royal Charter ;—he had no power over that ; but he desired, first of all, to advocate that which he thought would produce satisfactory results, . . . All he had to do was to advise that which he judged would be satisfactory here, and he had, therefore, framed this Bill so that it should involve nothing but a declaration of the principles on which he conceived the University might be established. . . .

What, then, were the principle objections which had been made against the present system ? It had been said, amongst among other things, (1), that by leaving too much of the direction of the affairs of the University to the Convocation, too great a preponderance had been given to those who professed the Doctrines of the Church of England. (2), It had been said, also, that what was open to all, according to the letter of the law, had not been open to all, in fact ; and, though the Charter did not give any peculiar rights, or privileges, in the Institution, to any one portion of the community, yet, it had been urged, with great energy and perseverance, that, in effect, its advantages were confined to the benefit derived from it by some particular class, or classes. He was placed in this dilemma, in devising a remedy ; if he followed out the spirit of the Charter, as amended, he would do away with the principles which ought always to obtain—he meant the connection of Religion with Science and Literature. Yet, on the other hand, by attempting to make a University a Body by which Religious feelings and opinions are to be maintained, he would place the Religion of the Students in the hands of those who might, for the time being, compose a majority of the College Council.

He should not do more now, than say that. . . . he had remarked such an earnest anticipation on the part of the people for the settlement of this question—that, to him, it appeared public opinion had pronounced, as strongly as possible, that some legislation was expected upon it. . . .

He should now, therefore, proceed to examine the Measure, in order to show in what manner he proposed to get rid of the difficulties he had adverted to. . . .—In doing so, he would allude briefly to some of its leading features ; one of them was, that while, pupils of every Denomination would receive instruction in Literature, Arts and Sciences, under the same Professor . . . . A man will receive the necessary instruction from the different Professors of Mathematics, Classics, or Moral Philosophy, he would not, in so doing, be required, to attend classes where opinions of a Religious character were advanced ; nor would he have to submit to, or comply with any observances, other than those of the Denomination to which he may belong. He had heard a great outcry about his making an “infidel University,” one without Religion,—established to forward the objects of literature and science, without taking proper care of higher and holier objects. He would be the last man to say a word in favour of an Institution of that kind. If he thought that the one sought to be established, would be of that description, he would abandon the design directly ; . . . But he laboured to achieve the point,—that he who thought conscientiously and honestly, differently from him on Religion, should not be subjected to any difficulty, because he differed from him, . . . His object was to secure two ends—(1), freedom and security for Religious Instruction on the one hand ; and (2), freedom from any control that would violate the conscience, on the other, and security that the great interests of Religion should not be neglected. To accomplish these objects he had provided by this Bill that, with regard to Literature and Science, all the classes should go under the same Teacher, or Teachers ; but that each Morning, in King's College, when the proper hours arrived, the bell rings, and the Church-of-England Students goes to Divine Worship, and, in every other College, the same thing would take place ; and thus, each Student would be required to attend Divine Worship in his own College ; Would there be anything hard, or unjust, in that ? Would there be any infringement of Religious freedom, or of the liberty of conscience in it ?

To proceed, however,—within half an hour another bell rings. There is a Lecture on Classical Literature—some Greek or Roman Author is to be explained ; and then, the Church of England man, from King's College, the Presbyterian man from Queen's, and the Methodist from Victoria, all go forth together, to attend the reading of that Greek, or Roman, Writer. They receive their Lecture : The next at hand, perhaps, is a class for Mathematics—to which all of them go ; next Chemistry ;—all are there ; then Experimental Philosophy, and they all



attend that. But, by and by, comes a Lecture on a subject which involves some principle of Theology,—and each goes to his separate College, and receives instruction on the tenets which he holds, and consonant with the religious views which he entertains. Then, when the studies of the day are over, each will repair to the altar where he worships—and at that altar, (around which all who are there assembled have one common faith and belief), every one will bow down and worship without feeling his religious scruples offended, because, in another building others who have studied with him during the day, are blessing God sincerely, according to their particular Religious views. . . .

This is the day when the spirit of intolerance is banished from our ordinary life ; and every man is taught that, he has the right to worship God in his own way, and in his own Church, while his neighbour has an equal right to worship God in his way, in another Church. If that is the case with regard to men engaged in the practices of actual life, why should not the same principles prevail among those which are just entering upon, or rather being fitted to enter upon life ? There could be no just grounds of opposition to this course ; because, if the Church of England had a University, that would be no objection to any other Religious Body having one of the same kind. Would the argument be listened to for a moment,—that because Queen's College in Kingston is carried on as a University, on strictly Presbyterian principles, that the rights of Queen's College would be invaded, if a Charter was granted to another Institution of a similar kind in Kingston ? Or would it be held that King's College were attacked, if another College were established in the City of Toronto ? No one pretended to argue that that would be the case, but the argument was, that it would be impossible to give Religious Instruction, and yet confine the Professors to subjects, into which Religion does not enter. He hoped, however, that no one would pretend that when a lesson was given on a classical Author, it would be possible to introduce a Lecture on Religious belief. . . . Whether the difficulty of having Religious Instruction was so great that it would be better to have no Religious Instruction at all, although it might be given in separate Colleges. If that could not be maintained, then the question to be considered, was, whether the fact, that there must be more than one mode of Religious Worship going on amongst the Students of the University, (though each form of Religion were kept separate and apart,) would that be a sufficient argument against this Measure ? . . .

#### THE UNIVERSITY QUESTION, AS DISCUSSED IN VARIOUS CURRENT PAMPHLETS, 1841-1845.

He would now address himself to one or two arguments which were put forward in some pamphlets which had been sent to every Member of the House ;\* he did so with a view of drawing attention to the consideration of this grave and serious question, and in order to promote a full and fair discussion of its merits.

He would take up a very small pamphlet, which contained some of those sentiments ; to which he desired to direct attention. The work was published under the sanction of the Church of England [Diocesan Press] Society in Upper Canada, and he supposed, therefore, that he was warranted in assuming that it contained the views of a considerable number of the Members of that Church.† It did not contain simply the objections of the proposed measure, but it also

\*The pamphlets relating to Education, which were published about the time of these University discussions and arrangements, were, in 1841-1845, the following, videlicet:—

1. Colonial Legislation, on the subject of Education . . . By "Scotus," (David Burn), Hamilton and Toronto. 1841.
2. Letters on the Condition and Prospects of Queen's College, Kingston, addressed to the Honourable William Morris . . . By the Reverend Robert Macgill of Niagara. Montreal. 1842 and 1846.
3. The Origin, History and Management of the University of King's College, Toronto. (By Mr. John Macara. Published anonymously). Toronto. 1844. (See page 36, *ante*.)
4. Proceedings had in the Legislature of Upper Canada, during the years 1831-1833, on the subject of Lands set apart by His late Most Gracious Majesty, King George the Third, (in 1797,) for the purpose of Schools. Toronto. 1839. . . . (Note. This pamphlet was reprinted in Montreal, in 1845.) See Note on page 178 of the Third Volume of this Documentary History.
5. Thoughts on the University Question, respectfully submitted to the Members of Both Houses of the Legislature of Canada. By a Master of Arts. (Reverend Peter Colin Campbell, M.A., Professor of Latin and Greek in the University of Queen's College. Published anonymously.) Kingston, 1845.
6. The University Question considered. By a Graduate. (The Reverend John McCaul, LL.D.—Published anonymously.) Toronto, 1845.

†This, and the following extracts, quoted by Mr. Draper, are taken from a contribution, by "Amicus," which first appeared in *The Church* newspaper, Toronto, of the 28th of February, 1845, and was afterwards published in as mall pamphlet. These two extracts, made by Mr. Draper, are part of an unfriendly criticism on the VIIIth Section of Mr. Draper's Bill of 1845, to establish "the University of Upper Canada." (See pages 159, 160, *ante*.)



contained two propositions—[said to have emanated from Bishop Strachan]\* for other modes to be adopted, by way of settling the difficulties which existed. He wished, in the first place, to notice the fact, that these proposals were predicted on the supposition, that legislative enactments were necessary, because it says that either of them would require only a simple enactment. Therefore, the propounder of these two plans thought it necessary to come to Legislature for assistance; and the objections applied only to the mode in which he sought to give literary and scientific instruction to all classes, while he secured to each a different and separate form of Religious Education. Upon this point the Writer, [as stated by "*Amicus*,"] said, "This article [*i. e.* the Eighth Section of the Draper University Bill] assumes that the different denominations of Christians of this Province have no Religious belief." He (Mr. Draper) could not see how the Author could have written that, if he had understood the measure, nor how he could say, that it was presumed people had no Religious belief, when the Bill provides that each section of the Denominations should have the means of Worship according to its own peculiar faith. . . . The Author went on to say :—

"We know, from the highest authority, that the Church of England cannot, and dare not, participate in this wicked scheme, and must be considered as entirely withdrawing from it. Her principle opposes no amalgamation with the Dissenters from her creed."

Now he, (Mr. Draper,) must say, that he did not know any principle in this proposed new Bill which had not been, for a long time past, admitted and acted upon the Act of 1837, amending the Charter of King's College. . . .

#### THE KING'S COLLEGE QUESTION FROM A CHURCH-OF-ENGLAND STANDPOINT.

Then there was the Petition on behalf of King's College, which was presented by the Member for Toronto, (Mr. William H. Boulton,) against the whole Bill; he quoted from memory, and therefore could only give the substance; but he believed that it was there said :—

"The Church of England claims the education of her children from the cradle to the grave, and she can never consent to belong to, nor to take part in, any Institution for educational purposes, of which the Governing Body shall be composed of persons not Members of her own fold; and she considers, that no power in the world can have the right to educate, or to control the Religious Observances of her sons. She will hold the establishment of any Institution, in which she cannot partake, to be a Measure of insult and injury, which it would be her bounden duty to resist. Under such circumstances, the Measure proposed to be adopted is one which she can never be a party to, and which must result in the practical exclusion of her Members of the University of King's College. Any proposal for amalgamation with other Religious Bodies will be received with alarm and sorrow, by every one of her Members, from the highest ecclesiastical authority, down to the humblest layman, if it be calculated to place her children under a governing body of a different Denomination."

Now, he must appeal to a few facts, for the purpose of ascertaining how far that Petition did express the opinions of the Members of the University. If he understood the position at all, it must be merely this—that there exists among the Members of the Church of England an insuperable objection, founded on conscientious principles, which never could never be overcome, to the placing of their children in an Educational Institution, of which the Governing Body was not composed exclusively of Members of the Anglican Communion.† Now, he had looked over the returns which he had the honour to lay on the table of the House a few days ago, which had been sent down at the request of an Honourable Member opposite, on the subject of the affairs of King's College, and he found amongst the rest a return of the number of Students of different Denominations who attended there. He found, in the first place, that a great majority of them were Members of the Church of England, but with them were also to be found Roman Catholics, Congregationalists, Presbyterians, Methodists, and, he thought, Lutherans. He found that, with regard to Religious Worship, the course which was pursued was, that prayers were read daily in the Chapel of the College, at which Members of the Church of England were

\*This Statement is apparently correct, as these "two propositions," referred to by Mr. Draper, are stated by "*Amicus*" to be a Document prepared by the President of King's College. They will be inserted in the next Chapter.

†This is a quotation from "Document Number Two," as given by "*Amicus*," and quoted on page 220, *post*.

‡Events proved that, in this matter, the Petition did not represent the views of Members in the Church of England. Not only did several Members of that Church, who were Members of the Legislature, oppose the proceedings of the Council and adherents of King's College, to maintain it as an exclusively Church of England Institution, but the Honourable Peter Boyle de Blaquiere, in 1850, (then Chancellor of King's College,) entered into a vigorous Correspondence with the Right Reverend Bishop Strachan, in opposition to the Bishop's efforts, to establish Trinity College, as an exclusively Church of England University, as a protest against the University of Toronto. These Letters will be published subsequently.

expected to attend ; but, inasmuch as it would be a clear violation of the Charter to enforce attendance upon Religious Worship at King's College, according to the faith of the Church of England, dispensations were granted to all those who entertained contrary opinions to those sanctioned by that Church, the only difference, then, between the plan laid down by this Measure, and the present practice, would be this :— at present, the College provided for the Religious Instruction of the Members of the Church of England, while it left others without any Religious means of instruction ; while, by this Measure, he proposed to give to all other Denominations the advantage enjoyed by that Church, of worshipping according to their own Religious forms in the Chapel attached to their College.

He now came to another part of the subject, and he would ask the Members of the House to call to mind the Petition, which he had just read ; he asked them to recollect the way in which this Bill had been assailed, and how it had been asserted, that, as a matter of conscience, the Church of England objects to be under the control of a Caput composed of Members, other than those who belong to the Church of England. . . . He would ask, then, whether there was an Institution of which the Governor-in-Council, which was in fact the Caput, consisted of Members of the Church of England only ? Not only was that not the case, but that Body, composed, as it was, of persons, not all Members of that Church, had, under the existing rules, . . . the sole power of passing Statutes, Rules, Regulations and Ordinances, for the conducting of Divine Service in the College . . . . He wished to draw attention to the fact, that the Charter, as amended, had been acted upon for some time. Who became Members of the King's College Council at the time of the Bill of 1837 passed ? . . . I have already referred to the fact that they were :—the Speaker of the House of Assembly [and of the Legislative Council, and the Law Officers of the Crown].

#### THE RELIGIOUS ASPECTS OF THE QUESTION, AS DISCUSSED IN THE UNIVERSITY PAMPHLETS.

(NOTE. Mr. Draper then discussed the various points connected with the Religious aspects of the University, question, as raised in the pamphlets to which he had referred in his Speech.) He then proceeded :—

For who would say, with the Charter, as amended, before him, that it was inconsistent, either with its letter, or with its spirit, to have Members in the Governing Body who did not belong to the Church of England ? Or, who would say that he, (Mr. Draper), ought to be bound by such an expression of opinion, as this—that no conscientious Member of the Church of England would send his son to an Institution, when that was the case ? If the objections applied to the Bill, which he had submitted to the House, if they had sufficient force in them to justify Gentlemen in preventing this Bill from passing, then those who urged them must certainly admit that they were mistaken, when they continued in the same error from the date of the Charter, as amended, down to the present day. But was the Measure, which he was advocating, open to these objections, to the same extent as was that amended Charter, under which, he had shown, they now existed ? Were the principles contained in the Bill which he was now explaining to the House, hit so hard by those objections, as was the present Constitution of King's College hit by them ?

He did not suppose it could be meant that it was impossible for Members of the Church of England to submit to rules wholly unconnected with Religious observances, merely because they were made by persons not belonging to their own Church ; for every day's experience shows the contrary. . . . in matters where there was no faith at all. He understood the principle, and he respected it, and, what was more, he was prepared to maintain it ; for, instead of leaving the pupils of the University to a Caput, composed of persons of different Denominations, he would place them, not in the present position, in a College, in which Members of other Churches could vote in the Council on the subject of Divine Worship, but in a College which would contain none but the Professors of their own faith, while the Council of the University would have the power to make all Regulations in matters where faith was not concerned. What was the Religious principal involved in parsing a Latin noun, or in conjugating a Greek verb ? Or in Mathematics,—as far as he was aware, from the first proposition of Euclid, to the most difficult problem, there was not one single Religious principle involved.

If, then, he protected all Religious principles, while he left the Council of the University alone, in matters connected with scientific attainments, he asked, apart from the considerations of the existing Charter of King's College, whether the Measure he proposed was open to the attack contained in the Pamphlet to which he had just referred, or to the remarks of the Petition presented to the House, by his Friend, Mr. Boulton, from Toronto ? . . .



INCONSISTENT POSITION TAKEN BY THE GOVERNING BODY OF KING'S COLLEGE, UNDER THE  
CHARTER AMENDMENT ACT OF 1837.

Was it just to say, that this proposed Measure would be robbing parties of their rights when, in fact, the very thing objected to existed in an Institution, the Charter of which, as amended, and as involving this principle, had been accepted, and acted under by the complaining parties? . . . He did not wish to stand there as a man who wished merely to carry his Measure, or who desired simply to get his Bill through, but as a man anxious to discuss all questions connected with it fairly and fully. It had been stated, however, since the Petition to which he referred, was presented, that the very thing complained of did already exist, and that the Petitioners, therefore, found themselves involved in an inconsistency, which it appeared some parties connected with the University had sought to escape from, by means of the Pamphlets he had averted to. He believed that one of those Pamphlets was written by a party, that had the authority of a very high Functionary of the University for the course which he proposed to take; and, it would be perceived, that the Author had discovered that the objections could not prevail, because, if they were insisted on, those Gentlemen would involve themselves in a contradiction which arose from the existing state of things in the College. He had no right to name the Writer, because he did not certainly know who he was, but he was too well acquainted with the style to be at a loss to attribute its production to one whose eloquence and whose classical mind alone could have produced it. The Writer he believed to be intimately connected with the Government of King's College, and he had himself pointed out the necessity for the existing defects being corrected by the Legislature. He, Mr. Draper, therefore, obtained through these various channels, (1), the authority of the Parliament of Upper Canada; (2), the authority of the Executive Government, (3), the authority of the Crown, and (4), the authority of the University, (5), as well as of its Members, as individuals, as of those who represent it on the part of the Church of England. He had, he said, the combined authority of every one of these persons and Bodies in favour of the proposition on "that some legislation was necessary on the subject"; and he had, moreover, the fact before him, that legislation had already taken place in 1837 for the purpose of effecting a change in the character of the Institution.

He would now enquire, whether there were not other objections, independent of those which existed, and to the details of which he had spoken. . . .

ALTERNATIVE AS TO UNIVERSITY REFORM IN 1845, OR THE *status quo* OF 1827,8.

He would then briefly advert to some other method, which had been proposed, to amend the Charter, which now governed King's College. He would not refer to the Bill which was brought before Parliament by the Honourable Robert Baldwin in the year 1843; every one was familiar with it, and it would be time enough to discuss its principles, if it were proposed to move it in amendment to his Measure.

But, there were certain proposals which had been made, which the House might adopt, or not, as it should think it more advisable, or better, than those now submitted to it. Nothing could be more simple than to leave King's College with the Charter which was granted by the Crown, and which had given rise to all the objections made to it in Upper Canada, to the Despatches sent from Home, and finally, to the Measure which was now sought to be repealed, and to thus carry out the proposition to make King's College again an University, exclusively Church of England in its character. On that proposal, he would only make one remark; it was the very fact, that King's College was exclusive, which gave rise to all the difficulties under which it had laboured, down to the present moment; and, unless another proposition were practicable also, he could never accede to a plan which would only place the matter just where it was, at the commencement of all these difficulties in 1827-8. Putting aside some considerations, to which he would presently advert, he asked, whether it could be considered as a "settlement," which would be final, or a settlement at all, if the Institution were only brought back to where it was at first? . . . The parties who came forward to advocate this course, were sensible that the proposition would be—by itself—perfectly untenable; and that it would be impossible to call that a "settlement" of the question, which would only be bringing back into life all the difficulties which had already been, for years, the subject of contention. It was, therefore, proposed, in this Bill, that, King's College, being restored to its original position, a liberal endowment should be granted to other Colleges, as the Government might determine. For his own part, he . . . had not heard any argument which was likely to convince him, that the state

\* Mr. Draper here evidently referred to the Pamphlet entitled:—"The University Question Considered: By a Graduate" (i. e.: the Reverend Doctor McCaul.) Toronto, 1845.



of Upper Canada was such as to require larger endowments for the purposes of general education, than the Crown had already conferred upon the Province when, in 1827, it first founded this University. And, he did not believe, from the value of the property granted, that the extent of the income, which would be yielded, would be sufficient,—not simply for the University of King's College, but for several similar Institutions for all classes of Religionists. . . . How could he seek to obtain a further grant, which would be unnecessary, unless made necessary, by the proposition, that the Church of England alone is entitled to that, which all authorities on the subject say was intended for the whole Province. . . . If he took that course upon himself, he must be prepared to justify it, and he could only do so by saying, that the Lands granted in the Charter were insufficient for the purpose for which the Crown intended them, while, at the same time, he felt they were sufficient for the purposes intended, and, therefore, he could not advise that a further endowment should be made. . . .

#### DIVISION OF THE UNIVERSITY ENDOWMENT ON THE SAME BASIS AS THAT OF THE CLERGY RESERVES.

He would now turn to another method, which, though more complicated, was not so much so, but that its principle might be stated in a few words:—It was to divide the Endowment of the College on the same principle as the Clergy Reserves had been divided. On the first view, that plan appeared to be a reasonable and a fair one, and a simple proposition; but, in order to see whether it could be acceded to, or not, it would be necessary to enquire into its probable effect. The first thing to be asked was,—what is the income of the University? He perceived by the returns laid before the House last week, (page — *ante*) the income set down for 1845, was, Twelve Thousand pounds (£12,000); but, as the accounts were drawn out, they . . . include monies due to King's College at the present moment, as Capital for lands sold, as distinguished from the interest due upon it; and, in the calculation of the sum which was set down for 1845, is an amount of Three Thousand pounds (£3,000), which was the Capital for lands sold. But to spend the proceeds of sales of Lands, was to spend, not the Income, but the Capital itself. If he understood the account, the money due for Land sold at that moment was set down . . . at the sum of Three Thousand Nine Hundred pounds, (£3,900,) for 1845. To that was added the interest due upon Land sales, the rents from Lands leased, the interest on Debentures and Bank Stock, and the Fees to be received from Students,—all of which was truly Income. . . . From that sum of Twelve Thousand pounds (£12,000,) then, was to be deducted Three Thousand Nine Hundred pounds, (£3,900,) which included the amount due on sales of Land, as well as the grant of Three Thousand pounds (£3,000) sterling from that House; because he conceived that, with relation to that Grant, it might become a question, whether the House would continue it to an Institution possessed of such large means of its own. . . .

#### THE MEDICAL SCHOOL OF THE UNIVERSITY OF GREAT VALUE.

He believed that it was admitted by all, that one of the greatest points of usefulness, which belonged to the College was its Medical School, by means of which Students were saved from the necessity of going out of the Country. . . . For the benefit of the youth of the Province, the Medical School was of the very highest importance. And he believed that to alter the Constitution of the University, so as to imperil the existence of the Medical College, or, to render uncertain its connection with the University, would be a most injurious step for the interests of the public, and would take away the opportunity of instruction from those who intended to follow the Medical Profession in Upper Canada; and, in some measure, from those in Lower Canada also. . . . Though the Medical School might be considered at the present in its infancy . . . and was not yet put upon the footing which it should be, yet, even now, the fees to Professors alone exceeded One Thousand Three Hundred pounds, (£1,300,) in addition to which there were . . . the Professors, the Demonstrator, the Curator of the Museum, and the expenses of the Museum itself; there were expenses for chemical agents; and steps had, at last, been taken to give Students the advantages of an Hospital, beside Lectures; and these Lectures involved a necessary expenditure distinct from that of the Hospital. . . . Two years ago, the estimated expenses of the Hospital was Five Hundred pounds, (£500). . . . When he took into account the many other expenses of the Medical School,—for Medicine, Servants, Messengers, and everything else of that sort, and also practical investigations, which were very expensive,—he thought that he could not estimate the whole expenses of the Medical department of the University, at a much less sum than Two Thousand pounds (£2,000,) per annum. If that amount were deducted from the Income of the University, in addition to the various amounts which he had already alluded to, it would be Two Thousand pounds (£2,000,) for what might fairly be considered as the income . . . which, according to the proposition he was now discussing was to become, divided, and was to become sufficient . . . to provide an University education for all classes and parties in the Country. From first to last, everything was to be found

for Two Thousand pounds per annum, and that not for one, but for three Universities. Would any one tell him that such a sum would be sufficient for the purpose? On the contrary, it was plain, that there would not be one good University among them. The Medical School would have to be sold, or abandoned, because it must be quite clear that no one University would be sufficient to maintain the Medical School. There would be three Professors required—one for each University—where there was now only one; and expenses would be all increased threefold, with an income much reduced from what it was at present. He asked whether he was wrong, then, in advocating this Measure, and in throwing the additional expenses, under his Bill, only upon those branches which were not Collegiate, but were directly of a Religious character. . . . If it were found that King's College was living on its Capital, it became a duty, which the Legislature was called upon to discharge, to prevent that fund from being wasted. . .

He has thus endeavored to show the reason why he advocated the Bill which he had proposed, in preference to either of the two propositions of which he had spoken [See page —]. He had stated his reasons for not thinking them of a practicable character; and however well meant they might be, or however suited to the views of those who thought with the parties from whom they emanated; yet, considering them to be of such a nature as he could not recommend for the whole community of Upper Canada, he was compelled to adhere to this Measure, the second reading of which he was now moving, as against the principles of those two propositions.

#### SHALL THE PRINCIPLE OF THE BILL BE AFFIRMED, OR SHALL THE BILL BE POSTPONED?

He would only touch upon one other question. He desired that the question might be decided by a direct vote of the House, on what he might term the principle of the Measure and not get rid of it by a side-wind. He entreated the Members not to seek to defeat it by any method which would not involve a direct expression of the opinion of the Representatives of the People against the principle of the Measure; for he thought, if ever there was a question on which they were bound to come forward and freely to approve, or disapprove, of it, this was the one. He hoped, therefore, that the Members, whose minds were made up to oppose the Bill would meet it by a vote which would unequivocally express their sentiments. This was due to the House and to the Country, that it should either be carried or rejected unequivocally, without a side wind. With reference to postponing the subject, that is, to put off the question without determining the principle, and to allow the matter to go abroad as a subject for popular discussion, to give time for one class of the community to array itself against another, did not appear to him the course which those should adopt who desired to restore the peace of the Country. It would be no difficult matter to create a great excitement, and to possess parties with hostile feelings, which it would take much longer to allay than to arouse. Members should remember that it might, some day, become the duty of those who raised such feelings to attempt to appease them; and, if they should then prove unequal to the task, they would find they had inflicted on the Country an injury, which would be too great to allow of their shielding themselves under the excuse, that they had only committed an error of judgment. Members of the House had already occasion to know the consequence of procrastinating measures of this sort, in the case of the Clergy Reserves. . . . For what purpose had he introduced this Measure? For the purpose of testing the question, whether the University of King's College should be carried on in conformity with the views of the Crown, the Legislature, the Executive, and the Authorities themselves; for these parties had all said that it ought to be an Institution to which, without the exclusion of any, all Denominations might have recourse. That was the main principle of the Measure, though he hoped the House would not lose sight of that Religious instruction, which was as essential as any other part of education; and that, while they provided the means of improvement in the knowledge of the Arts and Sciences, they would not neglect the cultivation of that knowledge, which was of far greater moment.

#### RECOMMENDATIONS IN THE DESPATCHES FROM THE HOME GOVERNMENT.

The instructions from the Home Government, which had been laid on the Table, contained the commands of the Sovereign to the Lieutenant Governor, to do his utmost to make permanent provision for a Professorship of Divinity.\* The contents of that Despatch might have been

\* The only reference to this subject is in the Instructions issued to Sir Francis Bond Head by Lord Glenelg, the Colonial Secretary, on the 5th of December, 1835, and laid before the House of Assembly on the 30th of January, 1836, in which Lord Glenelg says:—

“With the previous assent of both Houses, the King will cheerfully resume the consideration of the question, in what manner a Charter could be most conveniently prepared, so as to promote the interests of Science and Literature, and the study of Theology and Moral Philosophy. . . . (Page 282 of the *Second Volume of this Documentary History*.) See also Lord John Russell's Despatch to Lord Sydenham, on the question of the Theological Chair in Queen's College, proposed to be endowed out of the funds of King's College, on pages 107-8 of the Fourth Volume of this History.



known to others, but it certainly had not been known to him. He had not been a Member of the Government when that Measure was passed, and he believed Parliament had not had its attention directed to that command of the Sovereign; certainly it must have been overlooked, because no provision was made of that permanent and distinctive character which the Despatch pointed out. In the present Bill, however, that principle had not been lost sight of; and yet the people of the Province had been told, that in altering the Charter of King's College, an attack was made on the rights of the Church of England. If this Bill should pass, it would give us security for the endowment of the Professorship of Divinity in King's College, (apart from the University), which was not now possessed. Under the present Charter this was not secured, and that, so far from the proposed Measure going further than that, under which the College was now conducted, he had taken the recommendation contained in the Despatch into careful consideration, in order to carry into effect the recommendation which it contained.

Having now explained the Bill, he would content himself with moving that the Bill be now read a second time, and would merely add that he expected that there would be an application on the part of the Authorities of the College to be heard at the Bar of the House; 'and it might be considered, that they had a right to be heard against a Measure, which affected directly the interest vested in them. . . . If he could believe that it would not have the effect of throwing the Measure over for the present session; and if he were convinced that the majority of the House were in favour of it, perhaps he would not resist the wishes of his friends, or even the desire of those who were usually opposed to him. . . . So far as he was concerned, and as far as those were concerned who acted with him, he could say, that if they had not felt that the duty of settling this question was paramount; if they had not felt that the longer it was delayed the greater the evils which arise from it would become, and in saying this he only gave utterance to the sentiment which every one must concur in. . . . Be the consequences what they may, I can say with truth, that I have been actuated by no other motive than a sense of duty, and, if the action of the Representatives of the People convince me that I am wrong, I shall cheerfully take the consequence.

#### SPEECH OF THE HONOURABLE ROBERT BALDWIN ON THE DRAPER UNIVERSITY BILLS OF 1845.

Mr. Baldwin, having himself prepared and introduced into the House of Assembly, in 1843, an elaborate University Bill, was therefore, the more especially qualified to pass judgment on the three-fold University Bills, prepared and introduced into the House, in 1845, by the Honourable William H. Draper, - his Successor in the office of Attorney General for Upper Canada. I have been fortunate in obtaining copies of the Speeches both of Mr. Draper, (in introducing his University Bills of 1845,) and of Mr. Baldwin, in criticising these Bills.

The Speeches of these Gentlemen, (with the additional one on the Bills, by the Honourable William H. Merritt), throw a flood of light on the position in 1843 of the then absorbing "Question of University Reform"—and show clearly what were the views and opinions, which the distinguished public men of Upper Canada held, more than fifty years ago, on this important Question.

The Speech of the Honourable Robert Baldwin, (as also that of the Honourable William H. Draper,) occupied several columns of the Honourable Francis Hincks' paper,—the *Montreal Pilot*;—but the following extracts contain all of the more important portions of Mr. Baldwin's speech. He said:—

In his view of the subject, the first great object of legislating upon the University Question was to secure to Upper Canada an Institution, in which the youth of the Province of all Religious Denominations would receive a liberal education of the highest order, in the various branches of useful knowledge. He would ask, was the Institution, contemplated by this Bill, calculated to accomplish any such object? In the first place it did not secure one such Institution, but left it quite uncertain whether we should not have three, or more, small and indifferent Universities, instead of one good one.



### THE FINANCIAL PROVISIONS OF THE DRAPER UNIVERSITY BILL CRITICISED.

Again, the unlimited application of the funds of the University to Denominational Colleges he looked upon as a highly objectionable feature of the Bill. It would necessarily encourage a multiplicity of small Colleges, instead of large well endowed ones ; nay, the practical working of the system proposed in this Bill would necessarily mean, that the same Denomination, instead of having one College, however sufficient that might be for their wants, would, as soon as they get a Charter for a second, divide their Students, for the purpose, in the first place of being entitled to make large drafts upon the funds, and, in the next place, of having additional weight in the Council of the University. Thus, to take the Protestant Episcopal Denomination,—as soon as they had sixty-five Students, they could, by getting a Charter for a second College, draw Fifteen Hundred pounds, (£1,500,) instead of Twelve Hundred, (£1,200,) from the University funds, and would be represented in the Caput of the University by two, instead of by one Member ; or again, by obtaining four College Charters, they might, by dividing their Students among these Colleges,—twenty to one, and fifteen to each of the other three, draw, at least, Fourteen Hundred pounds, (£1,400), and, if they had sufficient weight in the Caput, and could get that Board to go to the full extent of its powers in their favour, they might get Twenty-One Hundred pounds, (£2,100,) that is, Six Hundred pounds, (£600,) for their College with twenty Students, and Five Hundred pounds, (£500,) each, for the other three, and be represented by four, instead of one Member in the Caput. He thought that such a system would prove most injurious to the Institution, in the multiplication of small Colleges unnecessarily and injuriously, and in exciting a rivalry between them for Students, which might ultimately lead to their actually giving a premium for a Student, instead of receiving a return for his education, so to enable them to increase their means of usefulness—the funds of the University being, all the time, the victim, upon which they were thus afforded the opportunity of preying. For his part, he could not look forward, in such a system, to anything but the depreciation of Canadian University Degrees to a level with those of too many similar Institutions in the neighbouring States, which no one valued, and, except for the legal rights which they might confer, no one would accept.

### THE MERITS OF THE MEASURE ITSELF CONSIDERED BY MR. BALDWIN.

The second object to be obtained by legislation upon this subject, (said Mr. Baldwin), was to give general satisfaction to the Country on the subject which it was admitted equally by Her Majesty's Ministers, as by himself, and those who acted with him, the present Measure did not do,—indeed the Honourable and learned Solicitor General (Mr. Henry Sherwood) had candidly admitted that the press of the Province generally was out against the Measure, and that it would not give anything like general satisfaction. If that then was the opinion of the Solicitor General, would it not be a justification of himself and his friends for opposing the Measure which had been introduced by the Colleagues of the learned Gentlemen ? . . . But to proceed from the opinion of the Solicitor General, to the Measure itself. Was then the Measure of the Honourable and learned Attorney General (Mr. Draper), at all calculated to produce such satisfaction ? He, (Mr. Baldwin,) contended that it was not. It was well known how distasteful to a large portion of the people of Upper Canada was the application of public property, in which all were equally interested, to the Theological purposes of any particular Denomination. And yet, here was a system, by which funds were to be diverted from the general purposes to which they ought to be applied, and frittered away among a variety of Collegiate Institutions, which, if not nominally Theological, would, as was well known, be practically such. And no one could doubt but such would be the effect of this Bill.

### TESTS OF ALL KINDS ARE INEFFECTIVE AND MISCHIEVOUS.

Again, tests of all kinds have been condemned by universal consent, as wholly ineffective for the accomplishment of the objects intended, and, in many cases, mischievous to the best interests of the Institutions into which they are introduced. And, on this point, he was happy to be able to quote high authority, both in that House, as well as elsewhere, in support of this objection, one of which might call up some reflection when it was found it was no less a personage than one of the Attorney General's own Colleagues,—the Honourable William Morris, Her Majesty's present Receiver General. That honourable gentleman had, in 1835, supported a Bill ; . . . by one clause of which, it was expressly provided

"That no religious test, or qualification, whatever be required of any Chancellor, President, Professor, or other Person being a Candidate for any station, or honour, in the said College, nor shall the eligibility of any persons to any of the aforesaid stations in the said College, or any other station that may hereafter be created, or, in any way, or degree, dependent on, or regulated, affected, or prejudiced, by the particular faith of any such Candidate, anything in the said Charter [of King's College] notwithstanding."

And, when a provision was proposed by the Member, who then, as now, represented the County of Leeds (Mr. Ogle R. Gowan).

"That nothing therein contained should authorize, or be construed to authorize, the appointment of any Person, or Persons, to the office of Professor, who should not be a moral well conducted Christian, professing a steadfast belief in the Holy Trinity, as held by the United Church of Great Britain and Ireland."

That gentleman was then supported only by three other Members, one of whom was the Member for Simcoe,—the Honourable William B. Robinson—and among the nays was not only the present Receiver General, but the present Speaker of this House.—Sir Allan Macnab—He, the speaker, was opposed to the Bill altogether, but he was also opposed, (if the University question was to be the subject of legislation,) to give his sanction to the introduction of tests. Such being the view taken of the expediency of tests, with reference to this University in 1835, he would ask Members of the House, whether the intervening ten years had indicated any increasing partiality for them in Upper Canada? In 1835, the Representatives of the People of Upper Canada decided, thirty three to four, against such tests: and what was then to lead us to the conclusion that, in 1845, they were desirous of establishing them?

#### EVILS OF THE PROPOSED MODE OF APPOINTING PROFESSORS AND OTHER UNIVERSITY OFFICERS.

But again, could it be expected that the proposed system for the appointment of Professors was one that could possibly give satisfaction to the public? By this Bill the appointments were to be made by the Queen. Did this mean that such appointments were really to be made by the Home Government? If so, the influence that the English Hierarchy, and the residuary Church of Scotland, would have it in their power to exercise in such appointments, would deprive them (in this Province) of that public confidence, which it was so essentially necessary to conciliate, even if it did not, as he confessed he thought it would, give a Denominational character to such appointments, entirely destructive to such confidence. But, on the other hand, was it intended that such appointments were to be made by the Governor General, in Her Majesty's name, as in respect to appointments to political Offices of trust and confidence? If so, and for such exercise of the prerogative, the Provincial Ministers were to be as responsible to the Provincial Parliament, as they were in other cases of appointments within the Colony; then, although he, (Mr. Baldwin,) admitted that it would be far better than the first course, he confessed he thought it would be highly inexpedient, as it would necessarily lead either to a party character being given to such appointments, or at all events, to a suspicion that party influences were brought to bear injuriously upon them.

The late Ministers had endeavored, in the University Bill brought in by him (Mr. Baldwin, during the last Session,) to divest themselves of any influence over the distribution of the patronage of such appointments, and to place the power of filling the Professors' Chairs in the hands of a Board, the Members of which, differing in their mode of appointment, the Bodies by whom the Board was appointed, and the main object, with regard to which these appointments were made,—as well as in the term for which their appointments would continue, would thus be deprived of any distinctive character, either Denominational, or Political, which could render it obnoxious to the suspicion of being influenced by any other motive than that of the desire of filling, in the most efficient manner, the different Chairs on the foundation of the University. Very different was the plan proposed by this Bill, which, in the least objectionable view of this feature of it, was calculated to put patronage into the hands of the Provincial administration. But again, was it intended, by vesting the appointment to such Chairs in the Queen that they should be made, not really from England, by which they might, at all events, expect competent appointments, but that they should be made from there, on suggestions from the Governor General here? If that was what was intended, he looked upon it as the most objectionable course of all;—one by which, practically, all responsibility was avoided, and a door opened for the most disgraceful and corrupt jobbing that could well be imagined. But again, what was the objectionable feature in the University at King's College, as at present constituted? Certainly its Denominational character; the almost exclusive possession of the Government of it by Members of the Church of England. And how does the Attorney General propose to divest it of that character? How does he propose to provide for the representation of other interests in its Government?

#### THE COMPOSITION OF THE CAPUT, OR GOVERNING BODY, DENOMINATIONAL AND OBJECTIONABLE.

And what will be the configuration which the Caput, the principal Governing Body, will present to the Canadian people, should this Bill ever become a law? There will be first, the Vice-Chancellor of the University, a Church of England man; secondly, the Chief Justice of Upper Canada, another Church of England man; thirdly, the Vice Chancellor of Upper Canada, another Church of England man; fourthly, the President of King's College, another Church of England man; fifthly, the senior Puisne Judge of the Queen's Bench, another Church of England man, and sixthly the Principal of Upper Canada College, another Church of England man,—six in all. Then supposing Queen's College and Victoria College to avail themselves of



the power of becoming incorporated with the University, you will have six Church of England men to one Church of Scotland man, and six Church of England men to one Methodist, taking them severally, or six to two, putting the Church of England on one side, and the other two Denominations jointly in the other. But, suppose even, that Regiopolis, a Roman Catholic College, a Baptist College and an Independent College, were to be incorporated with the University, within a short time, the Church of England would still have six to one of each of the other Denominations severally, and six to five, against the whole of them put together. What was calculated to satisfy the Residuary Church of Scotland? was it also calculated to satisfy the Free Church of Scotland; or was it calculated to satisfy the Roman Catholic Church, or, in fact, any one of the other different Religious Denominations, into which the people of Upper Canada were divided. And as to the Church of England, strange as it may appear to some, there was little doubt that as, far, at least, as the Authorities of that Church were concerned, the Bill gave no satisfaction in that quarter. And yet this, it was pretended, was what would give general satisfaction in Upper Canada. He, (Mr. Baldwin) was convinced that, whatever assent might be obtained to the Measure, on a hasty glance at its provisions, when the practical effect of those provisions came to be fully understood, the Bill would meet but little favour from the people in this section of the Province, and would be very far from satisfying them.

But, if the Measure which he had been reviewing, was neither calculated to attain the object with which legislation on the subject ought to be undertaken, nor would give that satisfaction, which would alone win the confidence of the people, still less was it calculated to prove a final settlement of the question. Indeed, the expectation of such a Measure as that proving a final one appeared to him to be the height of absurdity. Would that Measure be final, said Mr. Baldwin, which offends the Religious scruples of some; excludes others from the benefit of an Institution intended for the common benefit of all; provides a system of appointment to Professorships calculated to lead to the most disgraceful system of political jobbing in the distribution and the patronage of Professors' Chairs, and establishes permanently the uncontrolled domination of the Church of England in the Councils of the University;—would that prove a final Measure? He would venture to predict that, so far from proving a final settlement of the question, it would be but one step in a system of tinkering at the University, and a signal for a new and fiercer agitation than had yet assailed it.

There were other points, which being matters of detail, might, of course, be amended in the Committee, and which he did not, therefore, mention, as involving considerations which would have called for the throwing out of the Bill, but which he yet deemed of sufficient importance to mention here, because he thought that, having formed part of his Bill of last Session, their omission from the present one argued unfavourably of the intentions of the Ministry with respect to the Measure.

#### OMISSIONS IN THE DRAPER BILL, OF 1845, WHICH WERE PROVIDED FOR IN THE BALDWIN BILL OF 1843.

The first would be omission to provide a Chair of Agriculture. In a Province of Canada where agriculture was, and must continue to be, the great interest of the Country, he looked upon it as a matter of the first importance to give to that most ancient and honourable of all professions the highest place among the pursuits of our people. So far from its being considered an inferior occupation, it ought to be looked upon, as it really was, the noblest and most exalted of them all. He had, therefore, been desirous of giving it a home in the academic halls of our Canadian University, by providing expressly for the establishment of a Professorship of Agriculture. And he regretted much that such a provision was not to be found in the Bill before them. Again, the University Bill of 1843 had contained a provision for a thorough investigation of the accounts of the University; and he believed, if rumor was to be credited, there was certainly not less occasion for such investigation now, than there had been in 1843. Members of the House were perfectly well aware that reports were prevalent of very great irregularities in the conduct of the affairs of the Institution. These reports called loudly for investigation. And, although it might be doubted, he thought with good reason, whether the Government had the power, of their own authority, to institute and carry through, with effect, such an investigation as was required; that was the very reason why, in the present Measure, there should have been a provision that would have armed them with the power to do so, more particularly as such a provision was prominent in the University Bill of last Session. . . . The only way of satisfying the public, in respect of the financial affairs of the Institution, was to institute a thorough and unflinching examination into them. . . .

#### SPEECH OF THE HONOURABLE WILLIAM H. MERRITT ON THE DRAPER UNIVERSITY BILLS OF 1845.

Mr. Merritt conceived this to be a Question of the highest importance, which it was necessary to settle at once and finally. But, he thought that the Land, which formed the Endowment, ought to be specifically set apart for the purposes, for which it had been originally appro-



priated. Now, what were those purposes? One was the endowment of Grammar Schools for all classes in Upper Canada. He felt satisfied that no University Measure would meet with the approbation of the people of the Province unless it were one of a very liberal nature. In what position was King's College placed before the House? The authorities of that College, he presumed, were against any legislation on the subject taking place, and the House must be aware that there was a most powerful opposition in Upper Canada against this Measure; so powerful and so influential, that it was quite clear the Bill would be opposed from beginning to end.

If any strong feeling for change had been expressed, there would not have been so much difficulty; nor would there have been the same opposition, if a plan had been laid before the House for endowing Common Schools; but the education of the people had been neglected, and the original grant of 1797 had been converted into an endowment of those higher Seminaries, before the people were prepared to receive benefit from them. He made no objection to the principle of legislating in this matter; but he wanted a more liberal Measure, because he believed that the Charter of King's College was given for the benefit of the whole people of the Province, and he was prepared, in Committee, to move certain amendments to the Bill, with the object of making it more liberal. At Bonn, in Germany, there were eighteen Professors of Theology; among whom were both Roman Catholics and Protestants, and there had been no difficulty whatever in their agreeing among themselves, and harmony existed among them all.

Mr. John Hillyard Cameron, Counsel for the Corporation of King's College, having been heard at the Bar of the House against the Bill,\* Mr. William H. Boulton of Toronto moved, seconded by Mr. George Sherwood of Brockville, that the further consideration of this Bill be postponed until the next Session of Parliament.

#### REPLY OF MR. DRAPER TO THE SPEECHES OF MESSIEURS BALDWIN AND MERRITT.

Attorney General Draper said that he would not detain them by following all the arguments urged against the Bill. He would, however, say most sincerely, that after having listened with the utmost attention, to the Speeches just delivered, he was not at all shaken in the view which he had already taken of this question. He would examine no part of the statements made by the learned Gentlemen at the Bar of the House in the course of his argument, (which would have done honour to any Advocate, and which he was proud to hear delivered by a Gentleman from Upper Canada).

With reference to the merits of the question, he would not go into them, but he would be prepared to refute the arguments advanced, when a proper opportunity was afforded him. He was opposed to the amendment of the Member from Toronto in toto; he was bound to look on it as an attempt to throw out the Bill: . . . and he would, in consequence, pursue the same course as if the motion had been made more distinctly. He was unable to make those fine drawn distinctions which some Members seem to have discovered, in order to throw out the Bill, without compromising themselves. Taking this view, he would persist in his motion for a second reading of the Bill, . . . although there was an unfortunate difference of opinion on the Bill between one of his Colleagues, (the Honourable Henry Sherwood, Solicitor General,) and himself, as it would involve the necessity either of that Gentleman resigning, or of himself and his Colleagues doing so. . . . He would divide the House on the motion, and he would do so for the reason, that the question, whether the subject should be legislated on, must be one day settled, and because he thought that the House was as competent to decide now, as it ever would be. . . . His convictions remained unaltered, that it was within the power of the Legislature to deal with this question, and that it was necessary that it should be legislated upon. He had the concurrent testimony of every person connected with the Institution in their favour. The only remaining question, therefore, was a general and broad one:—Whether this legislation should be directed to the putting back of King's College into its original position, of 1827, which he took to be that of an exclusively Church of England Establishment, or whether it should not be thrown open, as the Crown had declared it ought to be, to all classes of the people of the Province.

Now, the second reading of the Bill involved the declaration of two principles; first, that there existed the right of the House to legislate, and, secondly, that the object of legislation would be the removal of everything of an exclusive character which had existed in the Royal

\* By permission of the House of Assembly, Mr. John Hillyard Cameron appeared at the Bar of the House on the 18th of March, 1845, and, as Counsel of the Corporation of King's College, and delivered a Speech against the University Bills of Mr. Draper,—who had, on the 24th of November, 1842, acted as Counsel for the same Corporation, against the Baldwin University Bill of 1843. (See page 23-47, ante.) Mr. Cameron's argument was that these Bills were unconstitutional; and that an endowment, when once granted, could not be taken away, except "for cause," and by legal process. He also followed and enlarged upon the points taken by Mr. Draper himself, in his Speech, as Counsel for King's College, at the Bar of the House of Assembly in 1842. (Mr. Cameron's speech is given in full in *The Church* newspaper of the 4th and 11th of April, 1845.)

foundation. He had evinced his honest disposition to pass the Bill, but when he found the majority of those who supported the Government, of which he formed part, agreeing in the propriety of legislation and adopting the principles of the Measure, but nevertheless declaring that they felt compelled to call upon him to postpone it, for the purpose of taking the sense of the Country on it, he thought he could take no other course than that of acceding to their request. But, to allow the Bill to be stopped, before its second reading, and to permit the whole proceedings of the House to be stultified—never, Sir, will I hold office on such terms.

The House then divided on Mr. Boulton's motion, with the following result : YEAS, 34 ; NAYS, 45. So it passed in the negative. The question being put on the main motion, that the Bill be read a second time, the result was as follows : YEAS, 45 ; NAYS, 34 ; so it passed in the affirmative, and the Bill was read a second time accordingly. (The Bill was then dropped.)

The following additional University Bills were also read a second time :

1. Bill to invest the Endowment, granted by the Crown for University Education in Upper Canada, in the University of Upper Canada.

2. Bill to Repeal a certain Act therein mentioned, and to Alter and Amend the Charter of the University of King's College. (These Bills were also dropped, but were, with the others, introduced into the House of Assembly by Mr. Draper in 1846.)

*March 19th, 1845.* The following Petitions were read : From the Reverend William Bett-ridge of Woodstock, Upper Canada, praying that no Measure affecting King's College may be entertained at this late period of the Session ; also from Messieurs John Steele and William Kingston, on behalf of a Public Meeting of the Town and Township Superintendents, and of the Trustees of Common Schools, in the Newcastle District, praying for certain amendments to the Common School Act of 1843.

*March 20th, 1845.* A Petition was read from the Reverend Adam Townley of the Township of Dunn, praying for the repeal of the Common School Act of 1843, and the adoption of some measure, whereby religious instruction may be provided.

The Honourable Dominick Daly, one of Her Majesty's Executive Council, laid before the House, by command of the Governor General, the following Return to an Address to His Excellency, dated the 8th of January, last, asking for a Tabular Statement of each of the Scholastic Institutions, to which an annual grant is made from the funds of the Province, stating the number of Pupils in each :—

Name of the Institution.	Number of Pupils in attendance.	Name of the Institution.	Number of Pupils in attendance.
University of King's College, Toronto .....	58	Colborne District Grammar School .....	22
Queen's College, Kingston .....	38	Prince Edward District Grammar School .....	27
Victoria College, Cobourg. ....	75	Victoria District Grammar School .....	26
Upper Canada College, Toronto..	178	Midland District Grammar School .....	No Return.
Western District Grammar School ..	12	Midland District additional Grammar School, Napanee ..	No Return.
Huron District Grammar School ..	30	Bath Academy, Midland District .....	No Return.
London District Grammar School ..	35	Johnstown District Grammar School .....	No Return.
Brock District Grammar School ..	21	Bathurst District Grammar School .....	No Return.
Talbot District Grammar School ..	18	Dalhousie District Grammar School .....	52
Wellington District Grammar School .....	26	Ottawa District Grammar School ..	32
Gore District Grammar School ..	50	Eastern District additional Grammar School .....	18
Gore District additional Grammar School, Palermo .....	52	Eastern Grammar School, Williamstown .....	42
Gore District additional Grammar School, Ancaster .....	44		
Niagara District Grammar School ..	25		
Home District Grammar School ..	21		
Simcoe District Grammar School ..	43		
Newcastle District Grammar School .....	29		

*March 24th, 1845.* On motion, it was ordered, that the various Petitions received, relating to the Common School Act of 1843, be referred to the Select Committee, to which was referred the Petition of the Right Reverend Bishop Strachan and others on the subject.



*March 25th, 1845.* On motion of Mr. William H. Boulton, seconded by Mr. George Duggan, it was :—

*Resolved,* That an humble Address be presented to His Excellency, the Governor General, requesting him to lay before this House all Despatches, and answers to Despatches, or other Communications, between the Government of this Province and of the Province of Upper Canada, and the Imperial Authorities, on the subject of the University of King's College, or of any proposed modification, or alteration in the terms of its original, or amended, Charter ; especially one from the Secretary of State for the Colonies, to Sir George Arthur, in answer to an application from Queen's College, to have a share of the endowments, or, in some way, to have appropriated to it a portion of the funds belonging to King's College. (*Carried.*)

*March 27th, 1845.* The following extract from a Despatch from Lord John Russell, the Secretary of State, to Governor General Lord Sydenham, dated the 12th of October, 1840, was laid before the House by Attorney General Draper.\*

*Ordered,* That five hundred copies of the said Despatch be printed for the use of the Members of this House.

Mr. Israel W. Powell moved, seconded by Mr. John P. Roblin, that the Order of the Day for the second reading of the Bill to provide for the erection of Common School Houses in Upper Canada, and for other purposes therein mentioned, be now read. The question having been put, it passed in the negative. (So the Bill was dropped.)

The Order of the Day for the House in Committee on the Bill to authorize the conveyance of certain Real Estates to the College of Regiopolis, and to enable the said College to acquire and hold Real Property to a certain amount, being read, the House accordingly resolved itself into the said Committee. Mr. William H. Boulton took the chair of the Committee, and after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Boulton reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read and agreed to by the House. It was then ordered, that the said Bill, as amended, be engrossed.

An engrossed Bill, to authorize the conveyance of certain Real Estates to the College of Regiopolis, and to enable the said College to acquire and hold Real Property to a certain amount was read for the third time, when it was resolved, that the Bill do now pass. It was then—

*Ordered,* That Mr. John A. Macdonald, of Kingston, do carry the said Bill up to the Legislative Council and desire their concurrence thereto.

*March 29th, 1845.* A Message from the Legislative Council was received as follows :—

The Legislative Council have passed the following Bill, without any amendment :—“ An Act to authorize the conveyance of certain Real Estates to the College of Regiopolis, and to enable the said College to acquire and hold Real Property to a certain amount.”

#### EDUCATIONAL PROCEEDINGS OF THE LEGISLATIVE COUNCIL 1844, 5.

On the 29th November, 1844, Sir Charles Metcalfe, the Governor General, opened the First Session of the Provincial Parliament of Canada by the usual Speech from the Throne. His reference to Education will be found on pages 154, 5, *ante*.

The new Members appointed by the Governor General in 1844, 5, were the Honourable Messieurs James Morris, Louis Massue and John Neilson.

*December 2nd, 1844.* The Council, in reply to the Speech of the Governor General, at the opening of the Session, contained the following passage relating to Education :—

We are sensible of the importance of improving the Education of the People,—recognizing it as one of our most important duties ; and we will rejoice if, in addition to such other amendments of existing Laws on this momentous question, as may be required, an arrangement can be devised respecting the University of King's College, that may receive the sanction of the Crown, and give general satisfaction in the Colony.

\* A copy of this Despatch will be found on pages 107, 108 of the Fourth Volume of this Documentary History.



The Honourable William H. Draper, presented a Petition from the Home District Council, praying that the Common School Act of 1843 may be amended and explained—that the Office of Assistant Superintendent of Education, [then held by the Reverend Doctor Ryerson], be abolished.

*December 5th, 1844.* The Honourable François P. Bruneau presented a Petition from the Right Reverend Patrick Phelan, and the Very Reverend Angus MacDonell, praying that an Act may be passed, authorizing the Corporation of the College of Regiopolis, Kingston, to acquire and hold real and personal estate to a limited extent.

The Honourable Adam Ferrie presented a Petition from the Reverend Doctor Newton Bosworth, and others, representing the Toronto Baptist Union, praying for the amendment of the Charter of the University of King's College, Toronto.

*December 9th, 1844.* The Honourable Robert Dickson presented a Petition from the Right Reverend Patrick Phelan, and the Very Reverend Angus Macdonell, praying for pecuniary aid to complete Regiopolis College at Kingston.

The Honourable Adam Fergusson presented a Petition from the Gore District Municipal Council, praying that the School Act of 1843 may be amended by abolishing the Office of Township Superintendents of Education.

*December 12th, 1844.* The Honourable Peter McGill presented a Petition from the Right Reverend Remegius Gaulin, Roman Catholic Bishop of Kingston, praying for aid towards the completion and support of a Female Academy in L'Assomption.

*December 17th, 1844.* The Honourable William Draper presented a Petition from Mr. M. J. O'Bierne and others, Roman Catholic inhabitants of Toronto, praying for the amendment of the Common School Act of 1843, in order that the Roman Catholics may receive the amount of the School monies assigned to them, in proportion to their whole population in the said City of Toronto; and, that the same may be apportioned, under the direction of Trustees, in establishing and maintaining Roman Catholic Schools in such parts of the said City, only as may be considered desirable.

*December 20th, 1844.* The Honourable René E. Caron, Speaker of the Council, presented a Petition from the Municipal Council of the Bathurst District, praying for the preparing of School Teachers in King's College, or at some other Seminary, with a gratuitous education, particularly on Agricultural Chemistry, and that all Religious Denominations be permitted to participate therein, without distinction.

#### PROCEEDINGS OF THE LEGISLATIVE COUNCIL IN 1845.

*January 14th, 1845.* The Honourable William H. Draper presented a Petition from the Honourable and Right Reverend John Strachan, Church of England Bishop of Toronto, and others, Members of the Church of England, in the City and vicinity of Toronto, praying that the School Act of 1843, may be wholly repealed; that the Members of the Church of England may not be compelled to contribute to Schools, founded on principles which they cannot approve; that the course pursued in England may be adopted; and that a Committee be appointed to make such an equitable apportionment of the funds raised for the Education of the Youth of the Province, either according to the population,—the amount of School assessment, or, if preferred, in proportion to the sum raised by each Church of England Congregation in the Province.\*

*January 15th, 1845.* The Honourable Robert Dickson presented a Petition from the Reverend Thomas B. Fuller and others, of the Church of England, in the Niagara District, praying that the Charter of King's College may not be disturbed, further than to require a proper exercise of Visitorial functions, to correct abuses; also praying, that the Common School Act of 1843 may be wholly repealed; and that Members of the Church of England may not be compelled to contribute to Schools, founded on principles which they cannot approve, etcetera.

*January 16th, 1845.* The Honourable William Morris presented a Petition from the Municipal Council of the District of Simcoe, praying that the management of the Common Schools may be left to the various Municipal Councils, and to District Boards of Education.

*January 17th, 1845.* The Honourable William H. Draper presented a Petition from the Trustees of Queen's College in Kingston, praying for the enactment of a Law, to enable them

\* A copy of this Petition is given on pages 156, 7, *ante*.

to meet engagements contracted by, and to hold lands granted to, them, in the interval between the passing of an Act of the Parliament of Upper Canada, incorporating the said College, and the disallowance of the same by Her Majesty, [from the 3rd of December, 1840, to the 16th of October, 1841], and for other purposes.\*

The Honourable Peter McGill presented a Petition from the Trustees of Queen's College at Kingston, praying that the Constitution of the University of King's College may be amended, so as to secure to the Presbyterian Church of Canada, in connection with the Church of Scotland, and to your Petitioners, as well as other sections of the community, a fair amount of influence in the said University; to incorporate Queen's College therewith, or to bestow a sufficient endowment for the maintenance thereof; and also such aid, as the expenses of the last three years and the present year, will justify. It was ordered, that the said Petition be now read. The same was then read by the Clerk accordingly.

*January 23rd, 1845.* The Honourable Paul H. Knowlton, presented a Petition from Mr. William R. Dank and others of the Township of Compton, in the District of St. Francis, Lower Canada, praying that no alteration may be made in the Charter of King's College, Toronto, or McGill College, Montreal, which shall not in like manner comprehend all chartered Institutions of Learning in the Province.

(NOTE.—A copy of this Petition was presented to both Houses from the following places in Lower Canada, videlicet,—from Mr. Charles Whitchee, of Sherbrooke and Lennoxville; from the Reverend C. Jackson and others of Hatley; the Reverend J. Taylor and others of Eaton; the Reverend Richard Lonsdale and others of Tingwick; the Reverend James Reid and others, of St. Armand, East; the Reverend George Stack and others of Granby; Mr. R. Parmelie and others, and the Reverend R. Whitwell and others of St. Armand, West. A copy of this Petition, which was intended as a counter Petition to the one from Lower Canada, asking for a modification of the Charter of King's College, is as follows):—

The Petition of the undersigned inhabitants of . . . in Lower Canada, most humbly sheweth:—

That they have seen in the public journals of the Province notices of several Petitions presented to Your Honourable House, praying that the Charters of King's College, Toronto, and McGill College, Montreal, may be so modified, as to be made satisfactory to the various Religious Denominations in the Province, by rendering them more "liberal" in their nature than they are now.

That, without offering any opinion as to the justice of such a procedure, in regard to these two Institutions, your Petitioners would respectfully represent:—

That the Charters of Queen's College, Kingston; Victoria College, Cobourg; The Congregational Institute, Montreal; the Baptist College, Montreal, and the numerous Roman Catholic Colleges in that part of the Province called Canada East, are not less, if not more, exclusive than those of the Institutions complained of.†

Your Petitioners, therefore, deeply regretting to observe that so lively a concern for the "liberal" constitution of Institutions of Learning, as is exhibited in the above mentioned Petitions, should be confined, in its operations, to such only as are supposed to be connected with the Church of England, and strongly deprecating all partial legislation, humbly pray, that no action may be taken in respect of the Charters of King's College, Toronto, or McGill College, Montreal, which shall not in like manner affect all other Chartered Institutions of Learning in the Province. And, as in duty bound, your Petitioners will ever pray.

*January 24th, 1845.* The Honourable Adam Ferrie presented a Petition from the Reverend Henry Esson, and others, inhabitants of the City of Montreal, praying that the management of the University of King's College may be placed on a more satisfactory basis. It was ordered that the said Petition be now read. The same was accordingly read by the Clerk.

*January 27th, 1845.* The Honourable James Morris presented a Petition from the Reverend William Bettridge, and others, Members of the Church of England in Woodstock, and Dis-

\* See Chapters V and VI of the Fourth Volume of this Documentary History, pages 73-108.

† The Petitioners have evidently overlooked the fact, that the Colleges in Upper Canada, named by them, were practically private Corporations, and had been founded by private enterprise, in connection with the Churches which controlled them. The same is likewise true, in regard to the Colleges of Lower Canada; while King's College was endowed for the public generally, out of the Crown Lands of the Province.

trict of Brock, praying that the Common School Act of 1843 may be wholly repealed, etcetera, as prayed for by Bishop Strachan; (see pages 156 and 194).

*February 3rd, 1845.* The Honourable John Neilson presented a Petition from the Reverend Edward Denroche, and others, of the Town of Brockville, being Members of the Church of England, praying that the Common School Act of 1843 be wholly repealed,—(being the same Petition as that from the Bishop of Toronto; see pages 156 and 194).

*February 7th, 1845.* The Honourable Peter McGill, presented a petition from the Reverend John Wilson, and others, Members of the Church of England in the Mission of Colborne and Grafton, praying for the same things as the Bishop of Toronto did in his Petition; (see page 194).

*February 10th, 1845.* The Honourable Paul H. Knowlton presented a Petition from the Reverend Job Deacon, and others, Members of the Church of England in Adolphustown and Fredericksburgh, in the Midland District, and also a Petition from the Reverend Alexander Neil Bethune, and others, inhabitants of the Town of Cobourg, being Members of the Church of England, both praying for the same things as did the Bishop of Toronto in his Petition; (see pages 156 and 194).

*February 13th, 1845.* The Honourable, the Speaker, presented a Petition from the Reverend George W. Warr, and others, inhabitants of the Township of Trafalgar, in the Gore District, being Members of the Church of England, praying for the same things as did the Bishop of Toronto in his Petition presented to the House on the 14th of January; (see pages 156 and 194).

*February 19th, 1845.* The Honourable James Morris presented a Petition from Mr. J. S. Mussen, and others, Members of the Church of England, in the Township of Augusta, in the District of Johnstown, praying for the same things as did the Bishop of Toronto; (see page 194).

*February 24th, 1845.* The Honourable William Morris presented a Petition from the Victoria District Council, praying for amendments to the Common School Act of 1843.

*February 25th, 1845.* The Honourable James Morris presented a Petition from Mr. Fleetwood Cubitt, of Darlington, praying for the same things as did the Bishop of Toronto; (see pages 156 and 194).

*March 3rd, 1845.* The Honourable Adam Fergusson presented a Petition from the Gore District Municipal Council, praying that the Common School Act of 1843 may not be repealed.

The Honourable William Walker presented a Petition from Mr. Clarke Gamble, and others, Members of the Church of England, residing in the City of Toronto, praying that no Measure affecting the interests of the University of King's College, may be entertained at this advanced period of the Session; but that they may have an opportunity afforded to them of expressing their opinion on a Measure so vitally affecting their dearest interests.

The Honourable William Morris presented a Petition from Mr. Adam Hatelie, and others, of the Township of Caradoc, similar to that presented by the Bishop of Toronto; (see page 194).

*March 5th, 1845.* The Honourable James Crooks presented a Petition from the Municipal Council of the District of Niagara, praying for the amendment of the School Act of 1843, and also a Petition from Mr. Humphrey Johnson, and others, Members of the Church of England, residing in the Townships of Bayham, Malahide and Middleton, praying for the same things as did the Bishop of Toronto; (see pages 156 and 194).

The Honourable Pierre B. de Boucherville presented a Petition from Mr. Miles O'Reilly, and others, Members of the Church of England, in the Town of Hamilton, praying for the same things as did the Bishop of Toronto; (see pages 156 and 194).

*March 10th, 1845.* The Honourable James Morris presented a Petition from Mr. W. Simpson, and others, Members of the Church of England, residing in Penetanguishene and parts adjacent, praying for the same things as did the Bishop of Toronto; (see pages 156 and 194).

The Honourable Peter McGill presented a Petition from the Honourable and Right Reverend Doctor John Strachan, Church of England Bishop of Toronto, and others, being Members of the Church of England, praying that no Measure affecting the interests of King's College may be entertained at this advanced period of the Session; but that they may have an opportunity afforded them of expressing their opinion on a subject so vitally affecting their dearest interests.

*March 12th, 1845.* The Honourable Thomas McKay, presented a Petition from Mr. Smithson Waller, and others, Members of the Church of England, residing in the Townships of Dereham and Norwich, praying for the same things as did the Bishop of Toronto; (see page 194).



*March 17th, 1845.* The Honourable William Morris presented a Petition from Mr. John Steele, on behalf of the Township Superintendents of Education in the District of Newcastle, praying for the amendment of the Common School Act of 1843.

The Honourable Alexander Fraser presented a Petition from the Honourable Chief Justice Robinson, and others, being Visitors of the University of King's College, praying that the proposed [Draper] Bills, for altering the Charter of the said University may not be passed into laws. It was ordered that the said Petition be now read. The same was then read by the Clerk accordingly, and further ordered, that the said Petition be printed in the English and French languages, for the use of the members \*

*Ordered*, that the Petition presented to this House on the seventeenth day of January last, from the Trustees of Queen's College, at Kingston, (see page 194) on the subject of the University of King's College, be printed in the English and French languages, for the use of the Members.

The Honourable James Morris presented a Petition from the Reverend William Bettridge, and others, Church of England members, residing in the Town of Woodstock, praying that no alteration may be made in the Charter of the University of King's College.

*March 18th, 1845.* The Honourable Paul H. Knowlton presented a Petition from the Honourable and Right Reverend Doctor John Strachan, Church of England Bishop of Toronto, on behalf of the Church Society of the Diocese of Toronto, praying that the three [Draper] Bills, for altering the Charter of the University of King's College, Toronto, may not be passed into Laws during the present Session. *Ordered* that the said Petition be now read. The same was then read by the Clerk, accordingly.

*March 20th, 1845.* The Honourable Adam Fergusson presented a Petition from the Reverend Adam Townley, and others Members of the Church of England, residing in the Township of Dunn, similar to that from the Bishop of Toronto; (see pages 156 and 194.)

*March 28th, 1845.* A Message was brought up from the Legislative Assembly, by Mr. John A. Macdonald, of Kingston, and others, with a Bill intituled: "An Act to authorize the conveyance of certain Real Estates to the College of Regiopolis, in Kingston, and to enable the said College to acquire and hold Real Property to a certain amount,"—to which they desire the concurrence of this House.

The said Bill was then read the first time, and it was ordered that the said Bill be read the second time presently. The said Bill was then read the second time accordingly, and it was ordered that the said Bill be read the third time presently. The said Bill was then read the third time accordingly, and the question was put whether this Bill shall pass? It was resolved in the affirmative, and it was then:—

*Ordered*, That one of the Masters in Chancery do go down to the Legislative Assembly, and acquaint that House that the Legislative Council have passed this Bill without any amendment.

*March 29th, 1845* The Honourable the Speaker, presented a Petition from the Honourable Peter Boyle de Blaquiére, praying that no Legislation touching the University of King's College may be sanctioned, without the consent of the Council of the said College, and the approbation of Her Majesty.

His Excellency the Right Honourable Charles Theophilus, Baron Metcalfe, of Fernhill, in the County of Berks, Governor General of British North America, being seated in the Chair on the Throne in the Legislative Council Chamber, the Speaker directed that the House of Assembly be informed that "it is His Excellency's pleasure they attend him immediately in "this House." The Members of that House being present, with their Speaker, the Clerk of the Crown in Chancery read the Title of the following Bill, (with that of others) which was assented to by the Governor General in Her Majesty's name, as follows:

"An Act to authorise the conveyance of certain Real Estates to the College of Regiopolis, "and to enable the said College to acquire and hold Real Property to a certain amount."

His Excellency's Speech from the Throne, in proroguing the Legislature, contained no reference to Education in Upper Canada.

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\*A copy of this Petition will be found on page 169, *ante*.

## CHAPTER XXI.

## PROCEEDINGS OF KING'S COLLEGE COUNCIL IN 1845.\*

*January 24th, 1845.* At the meeting, held this day, certain proceedings took place in reference to the Duke of Wellington's Scholarship in King's College, to which reference is made on pages 152-154 of this Volume, *ante*.

The following Opinion of the Law Officers of the Crown, in regard to the liability of the College Lands to taxation was read :—The Letter containing their Opinion was addressed to the Bursar :—

In reply to your communication of the 3rd of December last, enclosing an extract from the Minutes of the proceedings of the Council of King's College, upon which our Opinion is required,

We beg to state, for the information of the Council, that, in our opinion, the Lands belonging to the University, and granted to the Corporation thereof, by Patent from the Crown, are liable to the payment of taxes, under the existing law, in the same manner as lands held by individuals in Fee simple are liable.

WM. H. DRAPER, Attorney General.

HENRY SHERWOOD, Solicitor General.

MONTREAL, 7th January, 1845.

The Bursar was directed to send schedules of the Lands of King's College, and the Upper Canada College, to the Treasurers of the various Districts in which these lands were situated, for the purpose of ascertaining the amount due on them for Taxes, and of bringing the same to an immediate settlement.

The Bursar, in compliance with the Minute of the last Meeting of Council, submitted a Memorandum, in reply to Mr. Private Secretary Higginson's Letter of the 8th ultimo; whereupon it was moved by Doctor Beaven,—and seconded by Doctor King, that the Memorandum prepared by the Bursar, in reply to the Communication of the Private Secretary of the Chancellor, of December the 8th, last, be received and entered on the Minutes of the Council, and be transmitted to the Secretary, for the information of the Chancellor. (*Carried.*)

(NOTE. The Memorandum prepared by Doctor Boys, the Registrar, is a voluminous Document, and is inserted at length in the Minute Book of the Council. It is also printed on pages 106-108 of the "Final Report of the Commissioners of Inquiry into the Affairs of King's College University," etcetera, 1848-1852. In substance it is to the effect, that Doctor Gwynne had quoted, with his own comments, an expression which the Registrar had frequently used, to the effect that the expenditure of the University usually exceeded the income).

The Registrar explained his meaning, by saying, that—

"The expression used by me was never intended, but as a caution against a scale of expenditure for the University, greatly disproportionate to our means: It was first employed, when some of our sources of income were extremely doubtful; and, considerable uncertainty existed at the time, as to whether the Legislature would continue the annual grant to Upper Canada College. . . . Dr. Gwynne's "dissent" was urged against the appropriation of a small sum for services performed (by the Reverend Doctor Beaven, as Chaplain.)

(As to why the Minutes of the Meeting of the 30th of October, 1844, were not sent to the Chancellor, until the 28th of November, the Registrar stated that, as these Minutes could not be sent until they were approved by the Council, they were not sent down until after the Meeting of the Council, held on the 27th of November, 1844, at which Meeting these Minutes were approved.)

The Bursar, in compliance with a Minute of the last Meeting of the Council submitted Six Returns as requested by His Excellency the Chancellor, conveyed in Mr. Private Secretary Higginson's Letter of the 15th ultimo, as follows :—†

\*Only the most important of these proceedings are given in this Chapter.

†These Returns were laid before the House of Assembly on the 4th of March, 1845. See page 166, *ante*.

Number 1. A Return of the Income of the King's College University.

Number 2. A Return of the Professors of the University.

Number 3. A Return of the Students in the same.

Number 4. A Return of the expenses incurred in fitting up the Parliament Buildings as a temporary University.

Number 5. A Return of the furniture applied to each Professor.

Number 6.—A Return relating to the Chaplain.

Moved by Doctor Beaven, and carried,—that Messieurs Henry and William Rowsell be appointed Printers and Booksellers to the University.

*January 29th, 1845.* The following Statement of the unappropriated funds of King's College was submitted by the Bursar.—

	£	s.	d.
Provincial Debentures.....	29,597	19	5
Stock of the Bank of Upper Canada.....	250	0	0
Stock of the Gore Bank.....	187	10	0
Cash balance in the Bank of Upper Canada.....	1,634	5	11
Cash balance in the Bursar's hands.....	71	3	8
Interest due on Debentures and Bank Stock.....	343	15	8

Total amount available on the 29th of January, 1845.....£32,084 14 8

*February 1st, 1845.* The consideration of the Returns required by the Governor General was resumed and deferred.

*February 14th, 1845.* No quorum ; four Members present ; no business transacted.

*February 17th, 1845.* The Returns required by the Governor General were finally considered, amended and approved, and ordered to be sent to Mr. Private Secretary Higginson, for the information of His Excellency. (See page 166, *ante*.)

*February 26th, 1845.* The President called the attention of the Council to the University Bills about to be submitted to the Legislature by the Honourable William H. Draper, on behalf of the present Government. It was then moved by the President, seconded by the Vice-President, and—

*Resolved,* That, as it appears that a Measure is about to be introduced into the Legislative Assembly, by the Honourable Attorney General Draper, wherein it is proposed to take away from this University, the privileges and property conferred on it by His Majesty, King George IV., it is the duty of this Council to defend the trust, which has been committed to them, and endeavour to secure to posterity the benefits of this Royal foundation. (*Carried.*)

Moved by the President, seconded by the Vice President and—

*Resolved,* That a Committee, consisting of the following Members : The President, Vice-President, Doctors Beaven and King, be appointed to draft a Petition to the Legislative Assembly, praying that the Council may be heard at the Bar of that Honourable House, in defence of the privileges and property of the University of King's College.

*Resolved,* That the Petition shall be entrusted to Mr. William H. Boulton, Member for the City of Toronto, for presentation to the House of Assembly.

*Resolved,* That two Gentlemen shall be retained, as Counsel, to defend the privileges and property of the University before the House of Assembly.

*Resolved,* That Mr. William Hume Blake, Professor of Law in this University, and a Lawyer of French extraction, to be named by the Committee appointed to draft the Petition, be the Counsel.

*Resolved,* That the same Committee shall be authorized to make the requisite arrangements with the Gentlemen selected as Counsel of the University.

*Resolved,* That, in the event of the Measure reaching the Upper House, a similar Petition shall be addressed to it ; and the Committee shall then be authorized to take steps for obtaining the services of competent Counsel, in that event.

*Resolved,* That the same Committee shall have power to make arrangements in England, for the defence of the privileges and property of the University, if it shall be necessary to appeal for protection to Her Majesty the Queen.

Which motions, being seconded by the Vice President, were severally put and carried,—Doctor Gwynne dissenting from them all.



The following Statement of the unappropriated Funds of King's College was laid before the Council :—

	£	s.	d.
Provincial Debentures.....	31,597	19	5
Stock of the Bank of Upper Canada.....	250	0	0
Stock of the Gore Bank.....	187	10	0
Cash Balance in the Bursar's hands.....	4	18	3
Interest due on Debentures and Bank Stock.....	401	15	8
	£32,442	3	4
Bank account overdrawn.....	163	7	9
Total amount available on the 26th of February, 1845....	£32,278	15	7

#### DOCTOR GWYNNE ON THE ALIENATION OF THE ESTATES OF KING'S COLLEGE.

The following Letter from Mr. Private Secretary Higginson, was read :

I have the honour, by command of His Excellency, the Chancellor, to transmit, for the information and opinion of the President and Council of King's College, the accompanying copy of a Memorial received from Professor Gwynne, relating to the financial condition of the University, which His Excellency has no doubt will receive the consideration, which the great importance of the subject merits. (This Memorial is entered in the College Letter Book, page 38.)

In the meantime, and until the questions raised by Professor Gwynne can be finally adjusted, the Chancellor recommends that the further sales of the College Lands be suspended ; and that no part of the Capital, or Endowment, should be applied to paying the current expenses of the University, which, in His Excellency's opinion, ought to be limited to its annual income.

MONTREAL, 20th of February, 1845.

J. M. HIGGINSON.

It was ordered that the Letter and the Memorial be considered at the next Meeting.

On motion of the Reverend Doctor Beaven, it was ordered, that the Bursar be instructed to be on the watch for any eligible opportunity of investing the moneyed capital of the University in landed property, or mortgages, and report thereon to the Council.

*February 28th, 1845.* The Committee appointed at the last Meeting to draft a Petition to the Legislative Assembly, on the subject of the Draper University Bills, submitted the draft of a Petition, which, being approved by the Council, was adopted and passed.

Moved by the Vice-President, seconded by Doctor Beaven, and :—

*Resolved,* That the Petition be engrossed forthwith,—the Corporate seal attached,—and be signed by the President, and transmitted to Mr. William H. Boulton, a Member of the House of Assembly, for presentation forthwith.\* (*Carried.*)

#### RESOLUTIONS OF THE KING'S COLLEGE COUNCIL AGAINST THE DRAPER UNIVERSITY BILLS OF 1845.

*March 12th, 1845.* The Right Reverend Doctor Strachan, President of King's College, submitted a series of Resolutions, which were considered and amended. He then moved, seconded by the Reverend Doctor McCaul, Vice-President, that the same, as amended, be adopted ; and that a copy of them be transmitted to each of the Counsel employed to plead the cause of the University at the Bar of the House of Assembly ; and that the Committee appointed to take measures to defend the Corporation of Kings' College before the Legislature do take such action thereon as may seem to them expedient. (*Carried.*)

The following are the Resolutions adopted :—

1. *Resolved,* That the King's College Council have only within the last two days been put in possession of those Bills which are stated to have been already introduced by the Honourable Attorney-General Draper into the Legislative Assembly,—by one of these Bills it is, among other things, proposed to be enacted, that,

“Notwithstanding anything contained in the Charter of the University of King's College, the said College shall not hereafter have, exercise, or enjoy, any of the rights, powers and privileges of an University, or hold any Convocation, or confer any Degrees.” . . .

And, by another of the said Bills, it is proposed to be enacted that :

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For this Petition and Proceedings thereon by the House of Assembly, see page 167, *ante*.

"There shall be erected at, or near, the City of Toronto, an University to be called 'the University of Upper Canada,' with power to confer Degrees," . . . but, from which, the power is to be expressly withheld of—

"Passing any Statute, Rule or Regulation for Religious Observances by the Students of said University." . . .

And by the other of the said Bills, it is proposed to be enacted that, so soon as the intended new University shall be established:

"All and every the Land, and other the Real Estate and effects, which have been granted by the Crown to King's College, and all Monies, Debentures and Securities for money, of what nature or kind, so ever, arising from the sale, or rental, of Lands, so granted, as aforesaid, or purchased, or procured, or taken by, for, or through the means of any such Lands, or any sale, or leasing thereof, or, for the security of any debt due to the said University of King's College, now in its possession, or to which the said King's College is legally, or equitably, entitled, shall be vested in, and become the property of, the said University of Upper Canada."

2. *Resolved*, That this remarkable project of transferring from the Corporation, created by the Crown, in 1827, all the property, to which it is legally, or equitably, entitled, to another Corporation, to be created by the Colonial Legislature, seems to be founded upon an assumption that, by allowing the Colonial Legislature,—(most unwisely, as the event has proved,)—to make, in 1837, a few alterations in the Royal Charter, chiefly for the purpose of dispensing with tests, which are only matters of positive regulation, in regard to discipline,—the identity of the King's College has been destroyed, so that its estates have become common property, and may be applied to the support of any other Institution.

3. *Resolved*, That such an assumption is as clearly contrary to law, as it is to reason and justice.

4. *Resolved*, That, considering that the privileges, which it is thus proposed to abolish, were, in 1827, conferred upon King's College by a Royal Charter, under the Great Seal of England; that they have not been, in any manner, abused; and that no allegation of the kind has been made the ground of these measures; considering that the property, which is thus to be taken from its lawful possessors, was granted to King's College by His late Majesty, King George the Fourth, by Letters Patent,—such as form the foundation of every man's title to Real Estate in Upper Canada; and, considering also, that the Representative of the Crown in this Province is, by the Charter, the Chancellor of the University of King's College, we cannot but think, that we might have reasonably looked to the Law Offices of the Crown for the most strenuous support, in opposing measures so directly repugnant to the Royal Grants, as those of which the Attorney-General has consented to be the introducer.

5. *Resolved*, That what aggravates, if it be possible, the injustice of the proposed measures, is the extraordinary circumstance, that, while, by these Bills, it is proposed to leave to Queen's College and Victoria College the option of retaining all the privileges of their Charters, or of surrendering them, in their discretion, and attaching themselves to the intended new University, no such option is, by these Bills, to be afforded to King's College, which is to be stripped pre-emptorily and at once, of all its privileges and property, which it enjoys under its Royal Charter.

6. *Resolved*, That except by a short and unperfect Memorandum,\* communicated to two of its Members, (which they were not at liberty to notice, or to make the ground of any discussion, or proceeding), no opportunity whatever has been afforded to the King's College Council of knowing, still less of, addressing themselves officially to the Government, in respect to these Measures, which seem to have been deliberately resolved upon, for annihilating the privileges of King's College, and of depriving the Corporation of that College of its property.

7. *Resolved*, That, upon whatever considerations the Government of this Province may have thought it right to deny to the Corporation of King's College the protection of those legal principles, to which other Corporations, (throughout the British Dominions), owe the security of their rights and property, it is, in our opinion, the duty of the College Council to contend to the utmost against Measures, which they believe to be unsanctioned by any precedent, or authority; and that, if it shall become necessary, they will appeal, for this purpose, to the Government in England, and will pursue every legal remedy within their power to the last resort, feeling a strong assurance that, when the subject comes to be calmly discussed, and clearly understood, both the love of justice, and the fear of consequences, must lead to the admission, that those legal and constitutional principles, which are everywhere essential to the security of property, can no more be withheld from King's College, than from other Corporations.

\* I have not been able to obtain a copy of this Memorandum. It is likely the one to which "Amicus" refers, in his Letter to *The Church* newspaper of February the 28th, 1845; see page 218, *post*.

But, if, at last, it shall appear, that the intended destruction of the rights of the Corporation, which we represent, must be successful, which we do not think is possible, we shall, at least, have the consolation of having done our duty, in resisting Measures, such, as we believe, will have been, up to that time, wholly without example, but, to which, cupidity and love of change, when found to be unfettered by any legal restrictions, will render it difficult hereafter to set bounds.

The President then placed on the Council Table the three Draper University Bills alluded to in the foregoing Resolutions.\*

*March 18th, 1845.* The President of the Council submitted a Letter which he had received from Professor Gwynne relating to the issue of a Bond to Mr. Lewis for a Deed under the hand of the Bursar, and the Seal of the University, of a Lot of Land in Scarborough, which, in 1835, had been conveyed to Mr. James Dark. . . . Doctor Gwynne in his Letter, after stating this fact, then added :—

I, therefore, take this early opportunity of acquainting your Lordship with these particulars, hoping that you will exert the authority vested in you, as President, by the third University Statute for the purpose of preventing these irregularities in the Bursar's Office, and of enforcing attention to the Chancellor's desire, as expressed in his Minute of the 20th ultimo. (Page 203 of this Volume).

W. C. GWYNNE.

TORONTO, March the 11th, 1845.

The President then moved,—seconded by the Vice President,

1. That the Vice President, the Dean, (Doctor Beaven), and the Professor of Medicine, Doctor King, be a Committee to investigate the charges contained in Doctor Gwynne's Communication, and conduct a general inquiry, should it appear necessary, into all the affairs of the Bursar's Office.

2. That, it is recommended to the Committee, to send for all the parties concerned, and receive their evidence on oath, administered by a Magistrate.† (*Carried*).

Moved by Vice President McCaul, seconded by the Dean Beaven :—That the Committee for managing the defence of the University of King's College be authorized to consult any Documents in the custody of the Bursar,—take extracts therefrom, and make such use of them as may seem to them expedient. (*Carried*).

The following Letter was read from the Reverend H. J. Grasett, Chairman of the Trustees of the Common School District Number 7, Toronto, applying to be allowed to rent the House and yard lately occupied by the National Central School.

Having understood that the late Central School House, situated at the corner of Adelaide and Nelson Streets, (Block D,) in this City, is the property of King's College, I write to you, on behalf of the Trustees of Common School in District Number 7, of this City, to enquire on what terms the Council of King's College would be willing to allow them to rent the House and yard attached, for the purposes of the Common School placed under their superintendence.‡

H. J. GRASETT, Chairman.

TORONTO, 18th of March, 1845.

The Council assented to the application, and appointed the rent to be £20 a year.

*March 26th, 1845.* The following Letter from Mr. Private Secretary Higginson was read :—

#### PROFESSOR GWYNNE'S CHARGES AGAINST THE BURSAR'S OFFICE.

I have the honour, by command of the Chancellor, to transmit, herewith, a Minute of His Excellency's,—with certain Documents appended thereto.

J. M. HIGGINSON.

MONTREAL, 19th of March, 1845.

\*Copies of these three Bills, relating to the proposed University of Upper Canada will be found in the Proceedings of the House of Assembly, on page 159, *ante*.

† The investigation by this Committee was held during March, 1845, but it was not until April, 1848, that the Committee brought in their Report. The investigations seem to have been thorough, and revealed the fact that Messieurs Henry Hawkins and John Cockrane, Clerks in the Bursar's Office, had been in the habit of "holding, purchasing and dealing in the Lands,—the property of the Corporation of King's College," although the Bursar had "impressed upon the Clerks in his Office that they were not to engage in any traffic of the kind."

The Report of this Committee was published on pages 251-263 of the "Final Report of the Commissioners of Inquiry into the Affairs of King's College University," etcetera, appointed by Lord Elgin, the Chancellor, in 1848. It was also, with the appended Evidence published in a pamphlet of thirty pages, in 1860. This pamphlet contains full information in regard to the irregularities thus brought to light in the Bursar's Office.

‡ For reference to this Central School, see page 123, *ante*.



ENCLOSURE :—*Minute from His Excellency the Chancellor of King's College.*

METCALFE.

I transmit, for the consideration of the President and Council of King's College, the copy of a Communication, with enclosures, which I have received from Professor Gwynne; and, as they appear to me to contain a very grave imputation against one, or more, persons in the service of the University, I beg leave to recommend, that an immediate investigation may be made into the circumstances that are represented to have taken place, in regard to the sale of the lot of Land referred to, and, generally, into the allegations set forth by Professor Gwynne; and I request that I may be furnished with a Report from the Council upon this subject.

MONTREAL, 19th of March, 1845.

M.

In reference to the foregoing Communication, Doctor Gwynne presented the following Letter from the President, written to him :—

I have the honour to acknowledge your Note of last evening, and am truly sorry that there should have been cause for writing it. But the matter, to which it alludes, must be investigated. I have every confidence in the integrity of the Bursar himself; but, even a shadow of suspicion ought not to rest on his Office, in the transaction of the College business.

The course which appears to me the most straight-forward, is to refer the matter to the Lands' Committee of the Council, to inquire into, and report thereon to the College Council. The whole case will then be regularly before that Body, to be dealt with as may be thought fit.

TORONTO, 12th of March, 1845.

JOHN TORONTO, President.

Whereupon, it was moved by the Vice President, seconded by the Dean, that, as it appears a complaint has been made by Professor Gwynne to the Chancellor, relative to some alleged improprieties in the Bursar's Office, without waiting for the action of the President, on a Communication to the same effect, addressed on the same day to that Officer, the Council feel it to be due to the President, and to themselves, to express their strong conviction that it is wholly inconsistent with the respect and courtesy, which may be reasonably expected from a Member of their Body, to solicit the interference of any superior authority in any matter within their jurisdiction, without waiting for his, or their action. (*Carried*).

The Committee appointed on the 23rd of December, 1844, (page 153, *ante*), to prepare an Address to His Grace the Duke of Wellington, on his founding a Scholarship in King's College, presented their report, in the form of an Address to the Duke, which was adopted and ordered to be engrossed on parchment for presentation to the Duke by the President.\*

*April 12th, 1845.* Mr. F. W. Barron, the Principal of Upper Canada College, reported that, since the Minute of Council, which was passed on the 17th of July, 1844, (page 143, *ante*), remitting the dues on the Indian pupils for Tuition, the dues for board and lodging were not paid quarterly, according to the regulations to that effect; and that, in this particular case, he feels unwilling to carry out the Regulation of the Council. On motion of Vice President McCaul, it was ordered, that the Principal of Upper Canada College be requested to make a general report, relative to all things, which he considers may be altered with advantage to the interests of that Institution.

*April 19th, 1845.* The Principal of Upper Canada College submitted a general Report in regard to the affairs of the Establishment under his charge. Its consideration was deferred.

*April 30th, 1845.* The Bursar submitted the following Statement of the unappropriated funds of King's College :

	£	s.	d.
Provincial Debentures .....	31,597	19	5
Stock of Bank of Upper Canada .....	250	0	0
Stock of the Gore Bank .....	187	10	0
Cash Balance in Bank of U. C. ....	1	7	5
Cash Balance in the Bursar's hands .....	153	17	6
Interest due on Debentures and Bank Stock .....	344	18	0

Amount available on the 30th of April, 1845. .... £32,535 12 4

*May 3rd, 1845.* The Reverend Doctor Beaven applied for an appropriation of £25, to be expended by him in the purchase of books in the Hebrew, Arabic, and other Eastern languages, for the use of the Library. (*Granted*.)

\*A copy of this Address will be found on page 154, *ante*.

## REPORT ON THE INTERNAL AFFAIRS OF THE UPPER CANADA COLLEGE.\*

*May 7th, 1845.* The Council took into consideration the Report made by the Principal of Upper Canada College, in response to a Minute of the King's College Council adopted on the 12th of April last, to the effect that the Principal be requested to make a general report, relative to all things which he considered may be altered with advantage to the interests of the Institution under his charge :—

The Principal, of course, cannot allow that the Minute has any reference to the educational management of the College. He understood that it was the result of his having called the attention of the Council to the pecuniary loss incurred from the system of finance pursued with regard to the College Boarding House, to which Establishment he will therefore chiefly confine his remarks :

First of all, however, availing himself of the latitude of the Minute of Council, to say that he deeply regrets that a necessity should have existed for depriving the Establishment of the assistance of a third Classical Master, by which arrangement great additional labour has fallen upon the Principal, who, however, is still expected, with a smaller staff of Officers, to keep the Institution up to the same standard as his able predecessors, who, at the time, were supported by a greater number of Masters.

If the reduction of the number of the Classical Masters took place, with a view to economy, the Principal cannot regard it as the most judicious mode of reducing expenses, and he, therefore, sincerely hopes that the Institution may again enjoy the benefit of the services of a third Classical Master, if anything like his suggestions, (by which the pecuniary affairs of the Boarding House may be less burthensome to the College), should be carried out.

The Principal, therefore, would suggest :—

1. That, for every new boy entering the Boarding House after ———, the fees for board and lodging shall be £24, and for tuition £9 per annum, making a total of £33 per annum.

2. That the £24 per annum, for the board and lodging of each boy, shall be paid to the Boarding House Master, who must look to the parents alone for payment.

3. That the Boarding House Master shall be authorized to demand the payment of dues quarterly, and in advance.

4. That no extras per quarter shall be allowed, except for mending.

5. That no extra sum shall be charged to a pupil for residence in the Boarding House during the Easter and Whitsuntide vacations.

6. That the Boarding House Master shall purchase (at a valuation) such College property, such as Desks, Stoves, Bedsteads, etcetera.

7. That all breakages and destruction of College property, by the pupils, shall be repaired at the expense of the pupil, or pupils, so offending.

8. That, in case the guilty party in the destruction of property, cannot be discovered, the Principal shall see that the expenses of the necessary repairs are equally divided among the whole of the Boarders.

9. That the College will keep the roof of the Boarding House in repair, and will bear the expense of the annual whitewashing.

10. That all pupils, who enter the Boarding House after ———, shall pay to the College 2/6 each, per quarter, for a sitting in their respective places of Worship.

(NOTE.—The Principal submitted various other suggestions in regard to the Boarding House and its management, which were local and temporary in their character.)

After much discussion the following Resolutions were moved and seconded, *seriatim*, and, being put from the Chair, were passed :—

1. That the same charges for tuition be applicable to both Boarders and Day Scholars in Upper Canada College, for every new boy entering College, after the next midsummer vacation.

2. That, for every new boy entering the Boarding House, after the next midsummer vacation, the fees for board and lodging shall not exceed £24 per annum.

3. That the charges for board and lodging shall be paid by the parents to the Boarding House Master, who must look to the parents alone for payment.

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\* Were it not that the Upper Canada College is still one of the Institutions of the Province, the details of this Report would not have been here given. They may be of interest, even after half a century has elapsed since they were agreed upon.

4. That the Boarding House Master be authorized to demand the payment for board and lodging in advance.

5. That no fixed extra charges be allowed, except for repairing linen and stockings.

6. That no extra sum shall be charged to a Pupil for residence in the Boarding House during the Easter, or Whitsuntide, vacations.

7. That the Boarding House Master be required to furnish an inventory of all moveable property belonging to the Institution in the Boarding House, and that the same be offered to the Boarding House Master at a valuation.

8. That all extra charges, other than those already mentioned, shall be subject to the supervision and approval of the Principal.

9. That the College Council shall be responsible for the necessary repairs required by the ordinary wear and tear of the Boarding House, and shall bear the expense of the annual white-washing of the buildings.

10. That all pupils that enter the Boarding House, after the next midsummer vacation, shall pay 2s. 6d. each, per quarter, for a sitting in their respective places of Worship.

*May 10th, 1845.* The consideration of Mr. Barron the Principal's Report was resumed. After further discussion the two motions relating to certain details in regard to the Boarding House were passed.

*May 28th, 1845.* A Letter was read from Mr. Private Secretary Higginson, transmitting a Memorial, addressed to His Excellency the Chancellor, from the Reverend Charles Winstanley . . . enquiring, by desire of the Chancellor, what progress has been made in the investigation suggested by His Excellency's Minute of the 19th of March last. It was ordered that

The Private Secretary be informed that the investigation referred to has been more extensive than was at first expected, but that it is nearly completed, and that a Report upon it will soon be transmitted to His Excellency the Chancellor.

The Reverend Doctor McCaul, as Chairman of the Special Committee, appointed to consider and report on Doctor Gwynne's Memorial to the Chancellor transmitted in Mr. Private Secretary Higginson's Letter of the 20th February last, submitted the Report—the consideration of which was deferred :

*June 7th, 1845.* The Council took into consideration the Report on Doctor Gwynne's Memorial to the Governor General. After some discussion, the subject was deferred.

*June 11th, 1845.* The Report of the Lands Committee on Doctor Gwynne's Memorial to the Governor General, as Chancellor, on the alienation of the King's College Land Estates, was finally received and adopted, and a copy of it was ordered to be transmitted to His Excellency the Chancellor.

#### NOTE ON THIS REPORT BY THE EDITOR OF THIS DOCUMENTARY HISTORY.

(A copy of this Report, extends from page 65 to page 97 of the Second Volume of the King's College Letter Book. The following is a summary of it :—

The Committee to whom Professor Gwynne's Memorial to the Chancellor, (bearing date the 13th of February, 1845,) was referred, report that they have investigated, with much care the subject, which the Memorialist brings under the attention of His Excellency, in that Document, —the principal are (1), the alienation of the Estate and the conversion of the Endowment into money ; and (2), the use which, it is asserted, has been made of the Capital proceeds, to meet and bear current expenditure.

##### 1. *Of the alienation of the Estate of King's College.*

The grounds on which the Memorialist founds his surmise, that the College Council does not possess the power of selling the property of the Corporation, are these :—

(a) The absence of any expression in the Royal Charter of 1827—giving the power of alienation.

(b) The applicability of the restraining Statute of Elizabeth to the Institutions of this Province.

In regard to the first of these statements of the Memorialist, the Committee say :—



Of the Land which has been, or is in the hands of the Corporation of King's College, 225, 944 acres were conveyed by Letters Patent on the 3rd of January, 1828, as the Endowment of the University of King's College; and about 66,000 acres were afterwards conveyed in trust for Upper Canada College. . . .

In regard to the endowment of King's College the Committee point out that—

In a Despatch from His Excellency, Sir Peregrine Maitland, to Lord Bathurst, Colonial Secretary, under date of the 19th of December, 1825,\* it is suggested that an exchange should be made of those Lands available for the Endowment of a University, "from that portion of the Crown Reserves, which remain to the Government;"—and the reason of this suggestion is contained in the following words:—

"As being under lease, the latter could be almost immediately disposed of at an average price of not less than ten shillings per acre." . . .

The inducement, therefore, for giving the Crown Reserves, in lieu of the Lands, to which the University was entitled, was the facility with which these Reserves might be sold. . . . The Bishop too, in his Report of March the 10th, 1826,† specially refers to the sale of the Lands to be received in exchange, as a principal feature which recommended the exchange. . . .

In the Letters Patent conveying the Land to King's College, in addition to the usual formula—as to "have, take and receive" the following words occur:—

"If the Lands should come into possession and tenure of any person whomsoever, either by virtue of any deed of sale," etcetera.

In one portion of the Land, thus transferred to the College,—the Township of Wilmot—the price at which it was to be sold per acre, by the King's College Council, was fixed by the Government.‡

The Committee, in dealing with the second objection of the Memorialist to the right of King's College Council to sell the College lands, by invoking the "restraining Statute of Elizabeth," say—

That they are certain that the Statutes of Elizabeth have not been acted upon. . . .

The Committee have entered largely into other financial and prudential questions in their Report, but their further statements on the subject go so much into detail, that it is not necessary to quote them here.

In his elaborate Reply to the Commissioners, appointed by Lord Elgin in 1848, to "inquire into the affairs of King's College, etcetera, Doctor Gwynne goes fully into the same question—or as to the right of the College Council to" alienate the Land Endowment of King's College." His reply occupies pages 192-218 of the Commissioners Report, which was printed in 1852.)

*June 18th, 1845.* The Reverend Doctor McCaul, Chairman of the Lands Committee submitted a Report on the Memorial to the Chancellor of the Reverend Charles Winstanley; whereupon the President moved, seconded by Principal Barron, that the Report on Mr. Winstanley's Memorial be adopted, and that a copy be transmitted to His Excellency the Chancellor. (*Carried*).

The Reverend Doctor Beaven, having, by authority of the Council, occupied the Building erected in the University Grounds, as Dean, with a view to superintend the Students occupying Rooms there, submitted a Report, suggesting several alterations and additions, which were

\* This Despatch is given on page 205 of the First Volume of this Documentary History. The reply to this Despatch, by Lord Bathurst, the Colonial Secretary, under date of the 31st of March, 1827, will be found on pages 225, 226 of the First Volume of this Documentary History.

† This Report is printed on pages 211-215 of the First Volume of this Documentary History.

‡ The Judges of the Court of Queen's Bench for Upper Canada, in their capacity as Visitors of King's College University, gave it as their opinion that—

"It is competent to the King's College Council to sell, or alienate, the Lands, which form the Endowment, in order to raise funds for carrying on the proper business of the Institution. (See the Visitors' Opinion on this subject, at the end of this Chapter, page 241).

requisite, so as to enable the Students and the resident Professor to reside in the South East Building.

The Bursar submitted the following Statement of the unexpended Funds of the University :—

	£	s.	d.
Public Debentures.....	31,597	19	5
Stock of the Bank of Upper C.....	250	0	0
Stock of the Gore Bank .....	187	0	0
Cash balance in the Bank of U. C.....	1,820	16	11
Cash balance in the Bursar's hands.....	54	19	9½
Interest due on Debentures.....	645	15	6
Amount available on the 25th of June, 1845.....	<u>£34,556</u>	<u>11</u>	<u>7½</u>

*June 28th, 1845.* Moved by Vice President McCaul, seconded by Doctor King, that the Bursar furnish to the Principal of Upper Canada College with a copy of the Resolutions passed by the Council on the 7th and 10th of May, relative to that Institution, for the information and guidance of those concerned. (*Carried.*)

*July 10th, 1845.* No quorum ; four Members present, and no business transacted.

*July 12th, 1845.* The Bursar, having represented that the cash balance in the Bank belonging to the Council was at present considerable, and was likely to increase, he was directed to invest it, from time to time, in Provincial Debentures, at six per cent.

The Report of the Reverend Doctor Beaven on the expenditure necessary to provide accommodation in the South East Building, having been referred to the Building Committee and approved, it was moved by the President, seconded by the Vice President, that the necessary expenditure for the proposed alterations and additions in that Building shall be derived from the sale of Lands belonging to Upper Canada College, and conveyed to the University for the purpose of paying off the debt due by that Institution to the University. (*Carried.*)

Moved by the President, seconded by the Vice President, that the recommendation of the Resident Professor, (Doctor Beaven, the Dean), for the first year, shall be Fifty pounds (£50,) Provincial sterling, per annum, and fuel for the apartments occupied by him. (*Carried,* Doctor King dissenting,—Doctor Gwynne having retired at an earlier stage of the meeting.)

*July 17th, 1845.* Lieutenant Lefroy, of the Royal Artillery,\* presented, by direction of the British Government to the University of King's College, Toronto, volume I, for 1840-2 of observations made at the Magnetical and Meteorological Observatory at Toronto, in Canada.

*July 30th, 1845.* No quorum ; four Members present, and no business transacted. The following Statement of the unappropriated funds of King's College was reported by the Bursar :—

	£	s.	d.
Public Debentures.....	31,597	19	5
Stock of the Bank of Upper Canada .....	250	0	0
Stock of the Gore Bank .....	187	0	0
Cash Balance in the Bank of Upper Canada.....	2,899	15	1
Cash balance in the Bursar's hands.....	59	9	3
Interest due on Debentures.....	386	3	2
Amount available on the 30th of July, 1845.....	<u>£35,380</u>	<u>6</u>	<u>11</u>

*August 27th, 1845.* No quorum ; two Members present, and no business transacted.

*August 29th, 1845.* No quorum ; three Members present, and no business transacted.

*September 24th, 1845.* The following Statement of the unappropriated funds of King's College was submitted by the Bursar :—

	£	s.	d.
Provincial Debentures .....	31,597	19	5
Stock of the Bank of Upper Canada .....	250	0	0
Stock of the Gore Bank.....	187	0	0
Cash Balance in Bank of U. C.....	3,526	5	2
Cash in the Bursar's hands .....	167	2	0½
Interest due on Debentures .....	679	1	2
Amount available on the 24th of September, 1845 .....	<u>£36,407</u>	<u>7</u>	<u>9½</u>

\*Subsequently Major General Sir J. H. Lefroy, being in charge of the Magnetical Observatory, Toronto, at the time.

A Letter dated the 19th ultimo was read, from Mr. Private Secretary Higginson, conveying the request of His Excellency, the Chancellor, that the President and Council would take the requisite steps for obtaining the opinion of the Visitors of the University upon certain questions raised by Professor Gwynne, as to the right of the Council to alienate the College Estate. (For a copy of his Letter, see page 121 of College Letter Book.)

The Bursar was directed to transmit this Letter to the Chief Justice, for the Visitor, . . .

A Letter dated the 17th instant was read, from Mr. Private Secretary Higginson, communicating His Excellency's appointment of Doctor Lucius O'Brien to the Professorship of Medical Jurisprudence in the University of King's College.

Read also, a Letter from Doctor O'Brien, transmitting his warrant of appointment.

<i>Date of Warrant,</i> September 10th, 1845.	<i>Name,</i> Lucius O'Brien, M.D.	<i>Professorship,</i> Medical Jurisprudence.
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#### ESTABLISHMENT OF THE JAMESON GOLD MEDAL IN THE UNIVERSITY.

The following Letter to the Bursar, from the Honourable Robert S. Jameson, Vice Chancellor of the Court of Chancery of Upper Canada, was read :—

You will oblige me by submitting to the Council of King's College, together with the expression of my profound respect, the following request :—

It has long been my desire to establish in the University, for annual competition, one, or more, Medals, for excellence in subjects,—subordinate, of course, to such as shall be proposed for prizes,—distinguished by emanating from the University itself, such as proficiency in History, and English Composition.

I feel myself at liberty to state that, in this design, I have been encouraged in the approbation and kind advice of the learned and accomplished Vice President, Doctor McCaul, who has been so obliging as to draw up for me a code of Regulations, by which the competitions may be guided, contingent on the Councils' honouring my proposal with their sanction. A copy of these Regulations I have appended.

I have postponed this application until I have become assured that a gold Medal, not, I trust, of inferior execution, might be securely looked for, in time for the approaching distribution of University Honours.

My intention, for the present, would be, to leave the Die in the custody of my agent in London, and have the Medals struck on my own account ; until I shall have been advised, by those who best understand the interest of King's College, in what manner it may be expedient to secure a permanent endowment for this very humble offering of mine.

TORONTO, 28th of July, 1845.

ROBERT S. JAMESON.

#### ENCLOSURE. *Regulations governing the Competition for the Jameson Gold Medal :—*

1. The subjects for proficiency, in which this Medal is proposed, as a reward, are :—Ancient and Modern History, (including Chronology and Geography,) and Composition in English Prose.

2. All Candidates are admissible, who are qualified to present themselves as Candidates for the degree of B.A., and of no higher standing ; or, who have kept an academical year, as matriculated, or occasional, Students in the Faculties of Divinity, Law, or Medicine.

3. The Examination for the Medal shall be annual ; and the period of the year, at which it is to be held, shall be after the examination for the degree of B.A., but before the University Commencement.

4. The Examiner, or Examiners, shall be selected by the Council annually, during Michaelmas Term ; and the Professor of History, or, (if there shall not be such a Professor,) the Professor of Rhetoric and Belles Lettres—always to be one.

5. The Examination shall be conducted, either wholly, or in part *viva voce*, or on paper, at the discretion of the Examiner, or Examiners.

Whereupon it was moved by Doctor Beaven, seconded by Professor Croft, that the Council of King's College, in accepting the very handsome proposal of the Honourable Robert S. Jameson, Vice Chancellor of Upper Canada, to establish a Gold Medal to be given annually for the encouragement of the studies of History and English Composition, desire to return to him their warmest thanks, and to express their sense of the benefits which must result from the competi-



tion of so valuable a prize. They also request that he will permit them to designate the prize after the Donor,—as the Jameson Medal. (*Carried.*)

Moved by the Vice President, seconded by Doctor Beaven, that the Regulations proposed by His Honour the Vice Chancellor, relative to his Medal, be adopted. (*Carried.*)

A Letter was read from the Honourable Samuel B. Harrison offering his property at Bronté to the Council for £5,000. The Council having fully considered this proposal found they must decline the purchase.

*October 2nd, 1845.* The following Letter was read from the Honourable R. S. Jameson, Vice Chancellor :—

I cannot but feel in the highest degree gratified at the gracious manner in which the Council of the University of King's College have been pleased to accede to my request respecting the historical Medal, nor am I the less sensible of the value of your own kind expression of approbation. For the present it only remains to commit to your charge the first impression, which with no small pride and pleasure I have reason to believe will not be lightly won.

TORONTO, 1st of October, 1845.

ROBERT S. JAMESON.

The Reverend Doctor Beaven, the Dean, proposed a set of Regulations to be observed by the Students residing in the College, which regulations being separately moved and seconded were put from the Chair seriatim, and passed as follows :

1. That Students residing in the College shall be under the direction of the Dean, and shall be required to conform to such Regulations as may be laid down for the preservation of good order and discipline
2. That the College gate shall be closed at 10 o'clock P.M. in the Summer, and at 9.30 P.M. in the Winter, and reopened at 5 A.M. in the Summer, and at 7 A.M. in the Winter ; and that the name of any Student entering between those hours shall be reported to the Vice President and Dean.
3. That, if any Visitor of a Student should quit the College after the closing of the Gates, he shall be required to give the name of the Student, whom he has been visiting, which shall be reported in the same manner.
4. That no Student shall be permitted to quit the College after the closing of the Gate, without special permission in writing from the Dean.
5. That the western Door shall be the only mode of ingress, or egress, for Students or their Visitors.
6. That the Vice President, Proctor, or Dean, shall have access to the Room of any Student at all times.
7. That Students shall be responsible for any misconduct of their Visitors.
8. That Students, infringing the Regulations, shall be liable to reprimand, fine, or such other punishment, as the circumstances may require.
9. That all Students, (to be matriculated after this time), shall be required to reside within the College, so long as there is room to receive them, unless they have Parents, or Guardians, with whom they may reside in the City, or its vicinity.
10. That no Student shall be allowed to retain a Visitor in his rooms after twelve o'clock at night.

*October 14th, 1845.* No business of public importance transacted.

*October 17th, 1845.* No business of public importance transacted.

*October 20th, 1845.* No business of public importance transacted.

*October 29th, 1845.* The following Statement of the unappropriated funds of King's College was submitted by the Bursar :—

	£.	s	d.
Provincial Debentures . . . . .	31,597	19	5
Stock of the Bank of Upper Canada . . . . .	250	0	0
Stock of the Gore Bank . . . . .	187	0	0
Cash Balance in the Bank of Upper Canada . . . . .	4,166	18	10
Do. in the Bursar's hands . . . . .	30	17	8
Interest due on Debentures and Bank Stock . . . . .	394	15	6

Amount available on the 29th of October, 1845 . . . . . £36,627    1    5

*November 1st, 1845.* No business of public importance transacted.

## GENERAL REGULATIONS FOR THE MANAGEMENT OF KING'S COLLEGE LIBRARY.

*November 8th, 1845.* The following Regulations for the government of the College Library were moved by the Vice-President, seconded by Professor Gwynne, and carried:—

1. That the Library shall be placed under the charge of the Vice-President and six assistant Librarians.

2. That the Assistants shall be appointed annually, the office being offered to the Bachelor of Arts of each year, in the order of their standing, after the final Examinations.

3. That, if in any year there should not be a sufficient number of Honour men, the services of those previously appointed may be retained.

4. That the duty of the Assistants shall be to take care of the Books and other property in the Library, during the appointed hours; to preserve order and to report to the Vice-President any violations of the Regulations; to enter in the Catalogues the titles of Books, as they are added to the Library; and to conform to the instructions of the Vice-President.

5. That the emoluments of each Assistant Librarian shall be £20 currency per annum.

6. That the Assistant Librarians may be removed, or suspended, at the pleasure of the Council.

7. That they shall be subject to the same discipline in this capacity as in that of Students.

*November 15th, 1845.* Moved by the Vice-President, seconded by Professor Croft, that the first examination for the Wellington Scholarship shall be held in October, 1846, and that the subjects of Examination shall be all the subjects of examination in Classics from the Matriculation to the end of the 7th Term. *Carried.*)

*November 26th, 1845.* The Bursar submitted the following Statement of the unappropriated funds of King's College:

	£	s.	d.
Public Debentures.....	31,597	19	5
Stock of the Bank of Upper Canada .....	250	0	0
Stock of the Gore Bank .....	187	0	0
Cash Balance in Bank of Upper Canada.....	5,725	1	10
Cash in the Bursar's hands .....	17	5	7½
Interest due on Debentures.....	616	8	0

Amount available on the 26th of November, 1845..... £38,393 14 10½

*November 29th, 1845.* A Letter was read from Messieurs Jones and Company, of New York, transmitting the sum of £50, presented by Richard Gardner, Esquire, for the use of the Library of this University.

Whereupon it was moved by the President, seconded by the Vice-President, that the thanks of the Council of King's College be given to Richard Gardner, Esquire, B.A., Badham College, Oxon., for his very acceptable and handsome donation of Fifty pounds for the benefit of the College Library. *(Carried.)*

*December 6th, 1845.* No business of public importance transacted.

*December 13th, 1845.* The matter of the District Central School House in (Block D) leased to the Board of Common School Trustees, was again taken into consideration (see page—) when the Council fixed the annual rent to be £20, and agreed to include in the repairs they are about to make, the removal of the small Cottage to another part of the premises.

The Council having considered the distribution of the Dues and Fees of Graduates and Students in the University, the following motion was made,

Moved by the Dean, seconded by the Proctor, That the following shall be the Distribution of the Dues paid by Matriculated Students, after deducting five per cent for the junior Bursar and Registrar:

⅔ of the balance of these dues to the Professor, or Professors, in the Department concerned.

⅓ to the Library Fund.

⅓ to the General Fund of the University. *(Carried.)*

The Dean also moved, seconded by the Proctor, that the Dues for attendance on the Lectures of the Tutors shall, until further regulations be made, be paid over to the Tutors without deduction. *(Carried.)*

OPINION OF THE VISITORS OF KING'S COLLEGE ON THE RIGHT OF KING'S COLLEGE COUNCIL TO SELL THE ENDOWMENT LANDS.\*

This opinion of the Visitors of King's College was given on certain points relating to the Sale of the College Endowment Lands, referred to them by the Chancellor, through the King's College Council, as directed in the Private Secretary's Letter of the 19th August, 1845. (Page 208, *ante*.)

The Visitors of King's College have been requested by His Excellency Lord Metcalfe, the late Governor General, as Chancellor of the University, to state whether, in their opinion, it is competent to the College Council to sell, or alienate, the Lands which form the Endowment of the College. If so, for any and what purposes?

2nd. Whether anything can be done, by mere vote of the King's College Council, which the Statute authorizes to be done by Statute, Rule and Ordinance?

3rd. Whether a Statute ought to be passed for the appropriation generally of all monies to be expended,—that is to say, (1), a gross sum for the Bursar's office, (2), a gross sum for any other incidental expenses, (the Library for example), and (3), especially for the salaries of Professors and other officers of the Institution?

II. The Visitors would gladly, (if they could with propriety,) forbear expressing opinions upon these questions, especially upon the first of them, because they are sensible that, although it is strictly in their capacity as Visitors that they have been thus referred to, yet their opinions are likely to be regarded in general as judicial; and they feel that, as the doubts which have suggested these questions may, at any moment, give rise to legal proceedings in the Court of Queen's Bench, affecting the rights of parties unconnected with the College, it would be much more satisfactory to such parties that the Judges should be in a situation, after hearing the arguments that might be addressed to them by Counsel, to pronounce a judicial decision in any such case, unbiased by any previous declaration of their opinions.

III. But, being in fact made Visitors, by an Act of the Legislature, and their duties, as such, not being limited, by the Royal Charter of 1827, to any special objects, as is sometimes the case, nor directed to be performed in any peculiar manner, they consider that they have no right to withhold from the Institution any advantage which, it may be supposed, can be derived from their discharging fully the duties of Visitor in the sense which belongs to the Office, in connection with such a Corporation as that of King's College; in other words, as the Bishop of Quebec must have done, if he had continued to be the Visitor, according to the original Charter.

IV. The Visitors are aware that the Court of Queen's Bench in England, are, by law, Visitors of many Corporations; but these are Institutions of a different kind, and for different purposes; and the duties of visitation, which all understood to be incumbent on the Court in such cases, are of a different nature,—having other objects in view, and are performed only in the open and regular exercise of judicial functions, upon a proper formed proceeding, at the instance of some party having a substantial interest in the question mooted.

V. The Canadian Statute, 7th William IV, Chapter 16, however, has made, not the Court, but the Judges of the Court, Visitors of King's College; and, being the only Visitors of this eleemosynary foundation, they supposed it to be incumbent upon them to do whatever Visitors of such a Corporation should do, to whom the duty has been committed in an unrestricted sense.

VI. The Visitors have thought it right to state these considerations; because, if there is any inconvenience, or impropriety, in committing a duty of this description to the Judges, it rests with the Legislature to place the matter on another footing.

VII. The Visitors further beg leave to state, that they are not aware, that it is regularly a part of the duty of Visitors to answer references upon abstract questions of law, affecting the Institution, or its proceedings, but they consider that their duties are rather to visit the College, when they apprehend that there may be some abuse, or irregularity, requiring to be checked; to afford redress to any Member or Officers of the Institution, complaining of injustice; to keep the Governing Body of the Corporation within the terms of the Charter; and to exercise the power of supervision in regard to the Statutes,—duties which the Charter has committed to them.

VIII. For the direction of the King's College Council, upon any doubtful legal question that may present itself, the more regular course would seem to be to take the opinion of Counsel, and to abide by that Opinion, leaving it to the Visitors to interfere, in their discretion, when they have reason to think, that anything wrong has been done, or, upon an application from some party entitled to look to them for redress.

\*See the Report of the Land Committee of the Council on Doctor Gwynne's Memorial to the Chancellor on this subject, page 205, *ante*.



IX. Having offered these explanations of their sentiments, upon a subject which has been little canvassed in this Country, and offered them, rather with a view to their being considered, in connection with any reference which it may be proposed to make to them hereafter, than by way of urging objections in this occasion, which might create embarrassment, the Visitors proceeded to state—

1st. That, in their opinion it is competent to the King's College Council to sell, or alienate, the Lands which, form the Endowment, in order to raise funds for carrying on the proper business of the Institution.

2nd. That, in their opinion, there may be many things legally done by vote, or Resolution, of the Council, which the Charter authorizes to be done by Statute, Rule, or Ordinance.

NOTE.—The Visitors have answered this question strictly in the terms in which it is proposed to them. It need hardly be said that, if there be anything which the Charter requires to be done by Statute, Rule or Ordinance, such matters can not be done by mere vote of the Council.

3rd. In the opinion of the Judges, (as Visitors) a Statute ought to be passed, authorizing permanent, or stated, appropriations of money, in the shape of Salaries to Professors, or others. And, that any other payments on contingent account—whether for the library, or other incidental purposes, or for the ordinary current expenses of the Institution—should be made under the authority of some Statute, Rule, or Ordinance, either specifying the particular service and expenditure, or directing, prospectively, how such charges may be incurred and defrayed, as the occasion arises, and providing for the subsequent passing of the accounts.

X. When the Visitors speak of this as being fit to be done, they do not go so far as to say, that it is to the full extent necessary, in strictness of law, so that whatever has been done is otherwise illegal. They do not conceive that the power given to the Council of King's College to make Statutes, Rules and Ordinances, "respecting the management of the revenues and property of the College," was given in any other spirit, or intended to be exercised in any other manner, than the power to make Statutes for such purposes is understood to be given, and is usually exercised in other similar Institutions. And the Visitors have unfortunately not had the means of observing what is the course usually practised in that respect in other Colleges governed under similar Charters.

XI. The Visitors have no doubt that the College Council may, (subject to the approval of the Visitors,) make Statutes, which shall extend to, and control, the expenditure of the revenues, in every particular; and, in regard to the minutest and most ordinary charge, so that no expenditure could afterwards rightly take place, which should not be made in strict conformity to such Statutes. But, so long as such Statutes have not been made, the Visitors do not express the opinion that the Governing Body of King's College may not, by analogy with other Corporations, make many necessary disbursements in the ordinary conduct of their affairs, by their mere Resolution, or order, and without a formal Statute.

XII. To prevent complaints, and misconstruction, and, for the satisfactory discharge of the duties committed to them, the Council would, in the judgment of the Visitors, do well, if they should carefully provide, that, not merely the manner in which the "revenues and property shall be managed," but also the appropriation and use, that shall be made of the revenues and property, shall, as far as can be done, be provided for by Statute.

XIII. In speaking of King's College, and of the conduct of its affairs, as regards the care and disposition of its revenue and property, the Visitors have assumed, as the Provincial Legislature appears to have done, that the College Council, which includes the Chancellor and President, is the Governing Body of the Corporation; and that, in fact, it is the Council, and not the Chancellor alone, that represents the Corporation, as well for administrative purposes, as in the exercise of the legislative powers committed to it by the Charter. This is not expressly stated in the Charter, but we have no doubt that it was so intended, and has been always so understood; and that, in the absence of any other provision, it results from the supreme, or legislative, power being committed to the Council.

Dissentient,

J. B. MACAULAY.

Visitors of King's College.

{ JOHN B. ROBINSON, C. J.,  
JONAS JONES, J.,  
ARCH. McLEAN, J.,  
CHAS. A. HAGERMAN, J.

TORONTO, 17th of December, 1845.

## CHAPTER XXII.

## PAPERS CONNECTED WITH THE UNIVERSITY QUESTION.

Between the years 1843-1849, so deep and widespread was the interest in the University Question in Upper Canada, that no less than ten separate University Bills were introduced into the House of Assembly during these years.

The first University Bill was an elaborate one, of 103 Sections, prepared by the Honourable Robert Baldwin, in 1843; three, or rather a three-fold Bill, by Honourable William H. Draper, in 1845; two, or a two-fold Bill, by Mr. Draper, in 1846, and one by Mr. George B. Hall, in the same year; two, or a two-fold one, by the Honourable John A. Macdonald, in 1847, and the final one in 1849, by the Honourable Robert Baldwin, prepared on the "lines" of his Bill of 1843. Of these ten Bills, only one passed,—that of Mr. Baldwin in 1849.

The question may very naturally be asked, why was this great and special interest awakened and kept alive during all of these years on this one particular and important subject? The answer may be given in a three-fold form:—

1st. Because of the exclusive character of King's College under the original Royal Charter of 1827, which, although largely liberalized in 1837, was yet practically maintained and administered as a strictly Denominational Institution.

2nd. The Council of King's College, even after its modification in 1837, continued as a close Corporation, controlled, as events proved, chiefly by the Professors of the College, who were disposed to consider their own financial interests.

3rd. The popular feeling, founded on a belief which existed, that serious irregularities existed in the management of the funds derived from the Endowment of King's College.

The main and long continued objection to King's College was the persistence with which the Authorities of that College maintained and asserted the untenable, and fallacious theory, that the portion of the Royal Grant of 1797, which was made over to King's College by Letters Patent, in 1828, was intended for the sole benefit of the Church of England,—to the exclusion of all other Denominations of Christians in Upper Canada.

The historical fact was ignored, that the Royal Grant of 1797 was made in response to a request of the Legislature for "the establishment of Free Grammar Schools," and for "other Seminaries of a larger and more comprehensive nature," as expressly stated by the Duke of Portland in his Despatch of the 4th of November, 1797.

So strong had the feeling against King's College become, that it found vent in an anonymous pamphlet, published in 1844, of over a hundred pages, written—with a strong animus against the Authorities of the College, by a clever Student at Law. It was entitled "*The Origin, History and Management of King's College, Toronto.*"\* It was followed by another pamphlet, chiefly devoted to replies to the preceding one, and to various criticisms. A brief reference to the objections to the internal management of King's College may be here pointed out:

#### DEFECTS IN THE CHARTER AND LEGISLATION AFFECTING KING'S COLLEGE.

One of the practical defects, in the original Charter of King's College of 1827, was the provision that the College Council should consist only of the President of the University and its Professors. The consequence was, that this Council, so constituted, had the right to fix the stipends of its Members, and it did so—giving the President and Professors such Salaries as the parties concerned saw fit.

In the Charter amendment Act of 1837, the Council of King's College was remodelled and increased to twelve Members. The number of Professors on it was reduced to five; the President made the sixth Member; the Speakers of the two Houses, and the Law Officers of the Crown, made ten; and the Principal of Upper Canada College, with one Lay Member, made the number twelve. The Judges of the Queen's Bench were, by the Charter Amendment Act of 1837, made Visitors of the College. Still the same evils existed: and salaries were fixed, or increased, at pleasure, as before.

In practice, the Professors formed the majority of the Council; and, on one occasion, they decided that the payment of their Salaries—fixed at sterling rates—should be made according to a Halifax currency standard, which was an increase in their Salaries at the rate of ten per cent. over the rate which they had hitherto received. This matter, having come under the notice of Sir Charles Metcalfe, who, as Governor General, was also Chancellor of King's College University, he administered to the Professors on the Council a rebuke. He said:—

As the effect of this proceeding is to increase the Salaries of the individuals who have passed this Resolution, the Chancellor trusts that they will, on reconsideration, perceive the propriety of rescinding that Resolution, or of adopting one which may tend to remove the unfavorable impression that will otherwise be universally entertained of the character of that proceeding.

It is well known throughout the Province that Salaries, fixed in sterling money, from that of the Governor General down to those of Clerks in the Public Offices, are paid in currency, at a specified rate, at which the Salaries of the Professors of King's College have likewise hitherto been paid.

The Chancellor most earnestly hopes that this evil will be averted, by the Professors themselves, through a Resolution, either rescinding the one which is so manifestly objectionable, or, at least, suspending it for the future consideration of a full Council, consisting of a due portion of disinterested Members.

\* A reference to the Writer of this Pamphlet will be found in a note on page 201 of the Fourth Volume of this Documentary History. See also page 181 of this Volume.



The President of the University, Bishop Strachan, in one paragraph of his protest on the subject, said that he objected to the proceeding :—

Because no question, having for its object the increase of Salaries, ought to be entertained at the College Council Board, while its composition remains as at present, consisting almost entirely of Professors, or Persons interested in the result of such action, unless at the express desire of His Excellency the Chancellor. The necessity of some such rule is evident from the fact, that, although provision is made for twelve Members of Council, yet, from causes over which we have no control, only seven Members can conveniently meet in Council, all of whom, except one, have an interest in the question of Salaries.

The majority of the Council having also decided to allow the Reverend Doctor Beaven a salary of one Hundred pounds a year, as Chaplain to the College, the Chancellor objected to its payment. In a Letter from his Private Secretary to the Council, the Secretary states that :—

His Excellency questions the expediency, in the present peculiar and unsettled state of the University question, of increasing the salary of the Professor of Divinity, or of any other Officer belonging to it.

Nevertheless, this salary was afterwards revoted to the Chaplain, and was again disallowed by the Chancellor.

#### CRITICISMS OF THE HONOURABLE MESSIEURS ROBERT BALDWIN AND FRANCIS HINCKS ON THE DRAPER UNIVERSITY BILLS OF 1845.

The criticisms of the Honourable Robert Baldwin, on the Draper University Bills of 1845, (see pages 187-190, *ante*.) were to the effect that, practically, there was no improvement in the system, or machinery, of government of King's College, (as provided in these Bills,) through the Council of the College. He was particularly severe in his criticisms, on the mode, proposed by Mr. Draper, for the appointment of the Professors of the University. (Page 189.)

In the "*Reminiscences of His Public Life*," by Sir Francis Hincks, published in 1884, (page 174), he thus refers to the Draper Bills of 1845 :—

The object of Mr. Draper's Bill was to admit other Sectarian Colleges to share in the Endowment of King's College ; but he could not carry his own Colleagues with him,—the Honourable William B. Robinson having resigned, and the Honourable Henry Sherwood, his Solicitor-General, having announced his intention of doing so, unless the Bill was abandoned, as it was. (See page 191, *ante*.)

#### THE REVEREND DOCTOR McCaul ON THE DRAPER UNIVERSITY BILLS OF 1845.

In a Pamphlet on "*The University Question Considered by a Graduate*," published in 1845, the Reverend Doctor McCaul, the reputed Author of the Pamphlet, thus, on pages 50-55, criticises the provisions of the principal one of Mr. Draper's three University Bills of 1845 :—

It may be well to glance at the . . . chief provision of an intended Bill on the subject of the University, and offer a few brief observations on them ; adopting the order of the Sections of the Bill, in which they have been arranged.

I. The erection of a new University in this Section is an act which, unquestionably, exceeds the powers of any Legislative Body,—inasmuch as it is peculiar to the Royal Prerogative.

II. This Section abolishes the Faculty of Divinity, as a department in the University ; and, yet, there is a provision that Degrees in Divinity shall be conferred. Now Degrees are University, not College, distinctions ; and all those, who may hereafter receive the title of B.D., or

D.D., from the University of Upper Canada, at Toronto, (to whatever Denomination they may belong), will be regarded as Graduates, not of any College, or Hall, in that University, but of that University. The effect of this will be to lower and degrade those Degrees, if indeed any conscientious men would wish to accept a badge conferred indifferently on truth and falsehood.

III. The power of conferring Degrees in any Faculty can be granted but by the Sovereign.

IV. The arrangement in this Section for the admission of Students, as Members of the University, whose names are not on the Books of one of the Colleges, must produce dissatisfaction and disorder; for they would have unfair exemption from the College duties, and College fees, imposed on the others;—and no provision whatever seems to be made for their discipline. The provision in this Section, that the Certificates to be required of such Students, must be given by some Clergyman, or Minister, residing in Toronto, would exclude many, who might desire to be admitted. The effect of this arrangement would be to discourage different Denominations from establishing a College, or Hall, in the University, for their Members would be more favourably circumstanced, as far as regards expenses without, than with, one; and, to induce young men, whose Religious principles were not settled, to prefer one of those Denominations, by adhering to which, they might obtain Degrees with less trouble, and at less cost.

V. The financial provisions in this Section are almost inconsistent with each other. If the allowance to each College is to depend on the number of the Students on the Books, who have attended the University during the two years preceding, there should be no arbitrary maximum limit, but a graduated scale, according to which the allowance might rise. This will at once appear, on attempting to fix the number of Students, to which the minimum limit will apply. Let it be supposed, that that minimum is fixed at twenty, and that this number will entitle a College to receive Three Hundred pounds, (£300,) per annum. If another College should have one hundred Students on its Books, it should reasonably be entitled to an amount proportionably larger, i.e., to, Fifteen Hundred pounds, (£1,500,) per annum, and, yet, the maximum limit is, One Thousand pounds, (£1,000). The effect of this restriction would be, that the Colleges would take care not to have a greater number of Students, than that which would entitle them to the highest allowance. But the scale is much too low for the support of any thing having any claim to be denominated a College; nor are the funds of King's College adequate, even for it, if the present establishment of Professors be retained in the new University. If it should be said, that it is expected that the principal support of those Colleges will be derived from donations, it is plain that King's College, as the Church of England Institution, will be placed in most unfavorable circumstances; being first deprived of the property, which was granted to it in 1827-8, as the Provincial University, and possessing no Land, or pecuniary resources, as an exclusive establishment, whilst Queen's College would, of course, retain the means which she at present possesses, derived from private donations. The restriction relative to the attendance of the Students during the two years preceding, although well intended, would, in practice, be found injurious, for, on the addition of any new College, it would be without assistance during the very period, in which it most required aid.

VI. and VII. It is unjust that Victoria College should be allowed to remain a separate Establishment; and the partiality, shewn to it, is apparent in the provision of the next Section, whereby that College, (for although Colleges are mentioned, it alone can be intended), is granted an option as to joining in the plan. By the preceding Section, King's College is to be forced into union by the mere declaration of the pleasure of the Legislature, but Victoria College is permitted to doubt whether it will surrender its Charter, or not.

VIII. The object of this Section appears to be merely to give the appearance of a general character to that, which can have but a particular application, and which is specially adapted to the wishes of a particular Religious Denomination.

IX. The Council, as constituted by this Section, will certainly not satisfy those, whose avowed object, in seeking a change of the existing state of things, has been, that the influence of each Denomination in the Governing Body shall not be uncertain, but determined;—not dependant on accidental circumstances, but invariable, according to fixed proportions.

X. This Section contains a mere allusion to the duties, which, according to the plan, should devolve on the University, whereby it is to be presumed that the University Council is intended. It is, in the discharge of these duties, that the impracticability of working a Joint University, under a mixed Board, will be most clearly apparent. The first subject, to which it will be required to direct its attention, will be the standard of qualification for admission to the University, for this must be regulated by the University, lest the provision, whereby the amount of pecuniary assistance to be given to each of the Colleges, is made to depend on the number of Students, should operate as an inducement to admit persons inadequately prepared. The necessity for this is further apparent, from the difference of the standards at present adopted in the three existing Universities. Then, the requisites for Degrees must be settled, to which the

Members of all the Colleges must conform. The questions, which will arise here, will be, whether residence shall be required, or not?—what is to constitute keeping Term? what subjects shall be compulsory,? and what optional?—what shall be the duration of residence, attendance, or standing, before attaining any Degree?—what Degrees shall be conferred?—whether with, or without, the preliminary step to the full Degree?—whether any, or what, declaration, or oath, shall be required,? and what shall be the forms? When all these questions shall have been answered and arranged, the names, duties, and mode of appointment of University Officers, (if not provided for in the Bill), will be the next topic for discussion in the Council—how many Proctors, or Pro-proctors, there shall be?—how far their authority is to extend?—how they shall be appointed, so that each College shall have its proper influence?—how many Examiners there shall be?, and how they shall be appointed, so as to secure, not merely the reality, but, the appearance of perfect impartiality? Special provision will be required for the University Students, (not Members of one of the Colleges), inasmuch as they will be solely under the charge of the Governing Body of the University. This will, probably, require the introduction of a Board of Discipline, subordinate to the Council.

XI. This Section is certainly an improvement on the provisions of the Royal Charter and the Amendment Act of 1837, although, it is believed that, the office of Visitor has hitherto been limited to Colleges, or Halls.

XII. It seems very doubtful whether it could be safe to introduce the principle of election into a University, combining so many discordant elements; as it could not fail to put them all in motion. The fire of Religious animosity, if it could be at all kept down, would be so fanned, by the excitement of a “contested election,” into a blaze, which would endanger the very existence of the Institution. This result, which is highly probable, even if the right of voting were restricted to Members of Convocation, would be certain, if the privilege were extended to the Students.

XIII. The propriety of this Section depends on the rank designated by the title of “M.A.,” and on the provisions to be made in the Statutes, relative to Degrees in Medicine and Law. If the title be that of the only Degree in Arts, i.e. if it be not obtained subsequently to that of B.A., the right to a seat in Convocation is too much extended, and the arrangement would be unjust to those who have taken both Degrees. If the Degrees of M.B. and B.C.L., (or LL.B.), are to be conferred, it might not be advisable to exclude from that Body those who had taken them, nor are they, at present, excluded by the original Charter of King’s College.

XIV. Some academic, literary, or scientific test, or qualification, should be required by this Section, previously to the appointment of Professors. The declaration required of the Members of Council, Professors and Officers, (although better than none), does not go far enough for some, and yet too far for others.

XVI. By the provision in this Section, the outrage on King’s College is completed. First, its Royal Charter and property are taken away;—next, an arbitrary restriction is imposed to stop its growth, and prevent its receiving more of its own revenues than One Thousand pounds, (£1,000) per annum;—and then, the despoiled Institution is required, in bitter mockery, to support a Board of five Members, for the management of the pittance doled out by the Council the new University,—as a *sportula, turbæ rapienda togatæ*.

XVII. It is obvious that Queen’s College, retaining its Charter and present organization, will be more favourably circumstanced, even in those respects, than King’s College, deprived of its Charter and Statutes.

XVIII. In this Section no notice is taken of the preliminary Degrees, which should be required, previous to obtaining those in Divinity. It seems absolutely essential, in order that distinctions in this Faculty may not become utterly contemptible, that the Colleges should not be permitted, to confer them, without restriction. Otherwise, the desire of those establishments to add to their influence in Convocation, might induce them to render those Degrees disgracefully common.

XIX. The limits of University and College authority should, in this Section, be more clearly defined, for otherwise, constant difficulties will arise. If a Student of any College should commit a breach of discipline within the University, but without the walls of his College, in whom is the right of interference vested? The University Professors will certainly not wish to refer the matter to the College authorities, nor can the latter like the interference of others, with regard to those peculiarly under their charge. If the University is to take cognisance of such matters, it will soon be found necessary to have as many Proctors, or as many Members of a Board of Discipline, of different Religious Denominations, as there are Colleges.

XX. By this Section, the whole of the property, which King’s College holds by Royal Grant, will be taken away, without the consent of its Council, and transferred to an experimental Establishment, erected by incompetent authority.



From what has been stated relative to this plan, which it is asserted is to be that in accordance with which a Bill is to be framed, it is evident that it cannot be regarded as the basis of a satisfactory settlement of the University Question, for it is open, not only to all the general objections which I have stated, but even to others derived from details.

### BISHOP STRACHAN'S PLAN FOR THE SETTLEMENT OF THE UNIVERSITY QUESTION— QUEEN'S COLLEGE REJOINDER TO "AMICUS."

In *The Church* newspaper of Toronto under the date of February 28th, 1845, there is a Letter from "*Amicus*" in which the Writer states that he sends:

"For publication two Documents . . . which may be deemed of no little importance, as bearing upon the University Question at present so much agitated. The first Document is the Queen's College Scheme for settling this Question . . . and is at present circulating amongst the Members of the Legislature, under the sanction of the Administration.

The second Document . . . emanates from the Bishop of this Diocese, and points out the only methods by which, in . . . the Bishop's . . . opinion, a just and popular adjustment of the Question can be attempted . . . The Bishop's views are noble in conception and generous, as well as just to all parties, and they certainly ought to be carried out.

CANADA WEST, February the 24th, 1845.

AMICUS.

In a Letter to *The Church* newspaper, from the Reverend Doctor Thomas Liddell, Principal of Queen's College, Kingston, he says:—

"*Amicus*' is altogether misinformed, and at fault, in ascribing 'Document Number One,' of his two Documents, to Queen's College. . . .

Queen's College is, as yet, utterly unacquainted with the character of the Measure for the regulation of the Colleges of Upper Canada, intended, it is said, to be submitted by the Executive Government to Parliament. I presume, however, that, when any Measure on the above subject is introduced, Queen's College, as one of the parties somewhat concerned, will be apprised of the fact; and, it may naturally be expected that, when the Office-bearers of this Institution have a Government proposal on the subject under consideration, they will exercise their undoubted privilege and right to make "remarks" upon it. I need not assure you of its being my confident hope and expectation, that, in the character of their remarks, the spirit manifested in those of "*Amicus*" will not be imitated.\*

If the views of the Government on this important Question shall be found to be "noble in conception, and generous as well as just to all parties," the Authorities of Queen's College will, I trust, coincide with the general voice of the country in awarding to the Administration its due meed of praise. And I am persuaded that this will be done by them with a degree of cordiality which hitherto they have not been permitted to experience or express, should the discovery be made that such views have originated with the Lord Bishop of Toronto.

KINGSTON, 3rd of March, 1845.

THOMAS LIDDELL.

### DOCUMENT NUMBER TWO: BISHOP STRACHAN'S PLAN OF SETTLING THE UNIVERSITY QUESTION.

I see but two methods by which any thing like a satisfactory result can be arrived at, on the subject of the University of King's College:—

*First Method.* To leave the University untouched, in respect to its Endowment, and to repeal the Provincial Act of 1837, 7th William IV., Chapter 16, amending King's College Charter of 1827,<sup>†</sup> by which it will be placed on its original footing.<sup>‡</sup>

This being done, let a liberal endowment be given to the Colleges of such other Denominations, as the Government shall think it right to establish,—which can easily be done out of the large portion of the Clergy Reserves, about nine hundred thousand (900,000) acres are left at

\*"Document Number One"—is an unfair and unjust criticism of Mr. Draper's University Bill. It is more than likely that it is a copy of the Memorandum to which Bishop Strachan refers as been sent confidentially to two of the Members of King's College Council. See page 201, *ante*.

† This Act will be found on pages 88, 89 of the Third Volume of this Documentary History.

‡ It will be observed on page 184, *ante*, that Mr. Draper strongly repudiated the idea of restoring King's College to its original position under the Royal Charter of 1827.

the disposal of the Government by the 3rd and 4th Victoria, Chapter 78,—an “Act to provide for the sale of the Clergy Reserves,” etcetera, which are capable at once of yielding a competent revenue. This appears to be the most judicious and equitable manner of satisfying all reasonable men.

We ask for the Church of England bare justice ; we have no desire to interfere with other Denominations, nor shall we grudge them any endowment, however large, which the Government may think fit to grant them ; and, as we wish not to meddle with them, neither should they desire to meddle with us.

And we consider it but reasonable and just, that we should be permitted to proceed according to the original intention of the Charter of King's College without molestation, and in the enjoyment of the privileges which the Imperial Government had conferred upon us, and be left at liberty to seek from the Crown such amendments of our Charter hereafter, as experience shall prove necessary to the more efficient working. This fair and honest way of settling the University Question would, doubtless, please all who really desire the good of the Colony.

The different Religious Denominations would thus have the means of educating their youth, according to their own wishes, and on their own principles ; no room would be left for collisions, or heart burnings ; and, in a short time, agitation on the subject would pass away, and the different Colleges would only feel a noble emulation in rivalling each other in sound learning.

*Second Method.* Should the first method be objected to,—(although I see no reasonable impediment in its way)—I would submit, with great reluctance, and, as it were, under compulsion, but for the sake of peace, to divide the present Endowment of King's College on the principle recognized and acted upon in the 3rd and 4th Victoria, Chapter 78, intituled : “An Act to provide for the sale of the Clergy Reserves, and for the distribution of the proceeds thereof.”

2. On this principle, ten-twenty-fourths of the whole Endowment would be given to the United Church of England and Ireland, and five twenty-fourths to the Church of Scotland, leaving nine twenty-fourths towards the endowment of Colleges for such other Christian Denominations, (as are recognized by the Government), and, a Medical School ; and, if this be found insufficient, the means are ample from the Clergy Reserve Fund, and other Lands, to make up the deficiency.

3. Should this method be preferred, the Church of England will proceed with its share, and such further assistance as it may receive from its friends, to establish a College, at, or near Toronto, under a new Charter, for the education of her youth in the Arts and Sciences, and in Divinity ; which shall, in no way, be connected with the Government ; and, thus be exempt from the effect of political changes and agitations, while it would be in perfect and exclusive connection with the Church of England, and thus be free from the danger of religious strife.\*

4. With regard to any attempt to constitute a University, which would mix up the Church of England with other Religious Denominations, it ought not for a moment to be entertained. No sincere Member of our Church could have any thing to do with it, and it would, if established, have the effect of excluding us, as from what was literally, our own endowment. With such a motley Institution, we can have no connection whatever,—nor with any College, or University, which does not found its course of studies upon the Christian Religion, as taught by the United Church of England and Ireland.

5. One of the great objects of King's College, and perhaps the principal one, was to enable us to educate our youth and Clergy as in the Mother Country, but within the Province ; hence Oxford University is placed before us in the Royal Charter as our model. This was the purport and bearing of the original application to the Crown for a University ; it was a principle known to, and distinctly recognized by, the Imperial Government ; and under no other principle would a Charter have been asked for, or received, by the Archdeacon of York,—now the Bishop of Toronto.

6. That this was the principle of the foundation of King's College was not merely admitted by the Government, but it was known to the public in England, where the Charter and the Endowment were granted ; and, in any new arrangement, it must neither be lost sight of, nor given up.

7. It was from a conviction, that King's College was to be a Church of England University in its Religious character, that the “Society for the Propagation of the Gospel in Foreign Parts” granted a Divinity Library, and that a promise of similar aid was given by the “Society for Promoting Christian Knowledge,” when the University should be in full and free operation on this principle.†

\* Bishop Strachan here foreshadows the establishment of Trinity College,—for, even then, he must have looked upon such a project as inevitable, if the Church of England desired to have in the future a University under its own exclusive management.

† See pages 17-19 of the Third Volume of this Documentary History.

8. Either of these methods requires only simple enactments; and, although the second method is rather more complicated than the first,—it might be arranged by a very short Statute giving ten twenty-fourths of the present Endowment and effects of the University of King's College to the Church Society of the Diocese of Toronto, in trust for the endowment of a College and University, under a Royal Charter, at, or near, Toronto, in connection with the United Church of England and Ireland; [*i.e.*, Trinity College, as foreshadowed]; five twenty-fourths to Queen's College, Kingston, and the remaining nine twenty-fourths to be distributed to support, or found, such other Colleges, as the Government might think fit.

9. The first method proposed is preferable, because it meddles not with vested rights, and offers no encouragement to future spoliation, or attempts to meddle with the far richer and larger endowments of Lower Canada.

10. But the Charter should be so altered, as to separate the Institution from political influence, from which it has already suffered so much;\* and it should be entirely under the guidance and authority of the Church of England. In like manner, the endowments to Colleges of other Denominations, should be given up freely to their own management, without admitting of any Governmental interference.

11. The object of the Legislature should be to settle this Question on such a just and equitable basis, as must satisfy the honest and upright of all parties, without regarding the clamour of the factious and destructive, who delight in dissension, and are dismayed at the loss of a grievance.

12. It will not only be treason to the Church of England for her sons, who form at least one-third of the Legislature, to hold back on this occasion, and betray her to her enemies, weak and insignificant as they are in number, but it will be treason to good morals and religion; nor need the most pusillanimous among us fear to do right on this subject, for all the wise and sound-hearted of other Religious Denominations will assist them, if firm and sincere in setting it at rest for ever, on a foundation at once equitable and just to all concerned.†

13. No power on earth can deprive the Church of England of the right of educating her own youth in the Arts and Sciences, and for the learned Professions; it is a right which she must ever maintain, even to the death.

14. She claims, as the Roman Catholics do, and with equal justice, the education of her children from the cradle to the grave; and, to her the establishment of any institution with her own endowment,—of the benefits of which she cannot partake from conscientious principles,—would be a measure both of cruel insult and oppression, which it would be to her praise to resist.‡

15. Indeed, in such an extreme, and, I trust, impossible case, it will be the duty of the Bishop and his friends to carry the matter before the Queen, in her Committee of the Privy Council, where we feel assured that justice would be done. But this would be to prolong and embitter the contest. How much better will it be for the Legislature of Canada to adopt such a Measure as would, from its justice and moderation, please all the good-principled and well-disposed people amongst us, and give, at once, peace and tranquillity to the whole community.

16. In repeating that the first suggestion is, on several grounds, preferable, the following reasons are pressed upon the consideration of those, who may be supposed to take a sincere and enlightened interest in the advancement of Science, and in the general diffusion of Education and Religion, that it does not involve a spoliation, or desecration, of any existing endowment; and, while it would leave to King's College a revenue not more than ample for the great objects in view, it would enable the Crown to grant to each one of these large Denominations of Christians, to which, it is to be presumed, the assistance would be extended, as large a grant of Land, (even to the number of acres if necessary,) as would be thus confirmed to the University of King's College.

### THE UNIVERSITY QUESTION, AND ITS SETTLEMENT, AS PROPOSED BY THE REVEREND DOCTOR McCaul.§

There can be no doubt that the discovery of a satisfactory mode of settling the University Question is the most important and difficult subject, to which the Legislature is expected to direct its attention, during the present Session of the Legislature. . . .

\* See the Honourable Robert Baldwin on the possibility of this influence, in, the appointment of Professors, on page 189, *ante*.

† The Bishop here entirely misunderstands, or misinterprets, the feelings of the "rank and file" of Church of England Members. As a rule, they had no sympathy with the views here expressed by the Bishop, as being those which should govern true and loyal sons of the Church of England in Upper Canada.

‡ These paragraphs are, in substance, quoted by Mr. Draper, in his Speech, on page 182, *ante*.

§ Abridged from "The University Question Considered. By a Graduate" Toronto, 1845.



The subject, intrinsically momentous, derives additional importance from the circumstances of the Institution which it is proposed to modify;—King's College having been the First University established in Western Canada by Royal Charter, and enjoying an Endowment of considerable value, conferred on it by Royal Grant,—and from the consideration, that a vast amount of property may be affected by the decision to be pronounced in the case. . . . (Page 1).

In February, 1843, a Deputation from the Trustees of Queen's College, Kingston, visited Toronto, for the purpose of ascertaining the views of the Members of the Council of King's College, relative to a union, which they were authorized to propose, of the two Institutions. The proposition was received with no favour, and the Deputation returned without having accomplished the object of their Journey, but not until it had been intimated with sufficient clearness—*alia aggrediemur via*—and the outlines of a general plan had been communicated.\* In the Autumn of that year, appeared the Statement of the Trustees of Queen's College, in which the claims of all Denominations as to equal participation in the benefits of King's College, were urged, and a systematic agitation of the subject recommended.†

The movement, which was thus commenced, was kept up, with more or less spirit, until it received additional impulse from the resignation of the late Executive Council, in November, 1843, and the necessity for appointing a new Executive Administration. Since that time, the University Question has been viewed more in its political, than in its Religious bearings, and is now regarded by the opponents of the present Draper Government as a most powerful instrument for producing embarrassment, and causing disunion amongst its Members and supporters.

. . . (Pages 2, 3). It has been asserted, that the University is merely theoretically, and not really, open to the community at large, and that the provisions of the Charter Amendment Act of 1837 have not been carried out.

To this, the obvious reply is derived from a reference to facts, whereby it will appear, that, of the Professors of the Institution, there are two not Members of the Church of England, one being a Roman Catholic and the other a Presbyterian Minister; and that of the Students, being in all about sixty, twelve are not Members of the Church of England, but belong to different Denominations, comprising the Church of Rome, the Established Church of Scotland, the Free Presbyterian Church, the Congregationalist and the Lutheran Persuasions. . . . (Page 4).

The right of appointing Professors, is vested by the Royal Charter in the Governor General, as Chancellor; and, in pursuance of that right, Sir Charles Bagot appointed eight Professors, and Sir Charles Metcalf four. If there is blame to attach to anyone for the preponderance of Members of the Church of England, amongst the Professors, that blame must attach to the Chancellor. And yet it is certain, that, of the twelve Professors, there was but one case, (exclusive of the Professor of Divinity,) in which selection was made with any regard to Religious tenets,—that case being in favour of the Church of Scotland; and—even, if this be questioned,—it is easy to prove that the preponderance was not the effect of design on the part of any one, but of circumstances which necessarily produced that result. . . . (Page 5).‡

The preamble of the Royal Charter states, that one of the objects contemplated in the establishment of the College, was “the education of youth in the principles of the Christian Religion;” and the making provision “concerning the performance of Divine Service therein,” is specially stated, as part of the duties of the College Council. Nor have those clauses of the Royal Charter been repealed, or modified, by the Amendment Act of 1837. If then it appeared to be essential, that Divine Service should be established, surely all the different forms in which it is celebrated by the different Denominations, could not have been adopted; and if any one was to be preferred, undoubtedly the Church of England had a right to the preference, as the Church to which the Founder of the University belonged; and which is the Established Church in two of the three Kingdoms of which the present State is composed; and that, also, to which it was the most probable that the majority of the Members of the University would belong.

But another evidence of the exclusive character of the Institution, has been derived from the appointment of a Professor of Divinity, belonging to the Church of England. As it is evident that the University could not support a Professor in that department, belonging to each Denomination, nor is there any satisfactory principle, on which some should be preferred to others, the question relative to this may be reduced to an enquiry, why the Presbyterians, claiming as the Established Church of Scotland, should have been excluded. To this the plain reply is, that, by establishing Queen's College, they excluded themselves. There was, there is reason to believe, an intention in certain quarters, of establishing a Chair of Divinity in King's

\*See further particulars in regard to this subject, on page 3, *ante*. †See page 6, *ante*.

‡See Correspondence with the Colonial Minister in regard to this appointment, on pages 112, 113, *ante*.

College for that Denomination, but the necessity of making any such provision was removed by the foundation of a University entirely under its management.\* Indeed it has been asserted, that, during the progress of the Bill for the establishment of that Institution, a stipulation was entered into that a certain sum should be appropriated from the funds of King's College for the support of a Professor of Divinity in their College. † . (Pages 7, 8)

If the Council of King's College previously failed in their attempts to make a commencement of the actual work of instruction, it was their misfortune, not their fault ; for they did everything which could reasonably be expected of them Up to 1337,‡ the determined opposition of the Chancellor, Sir John Colborne, and the clamour for changes in the Constitution, impeded all action ; in the Spring of that year,§ when the Act altering the Charter, had been passed, great exertions were made to complete the arrangements for commencing, but the proceedings were stopped by the political troubles of the Winter ; and the attempts to give at least partial efficiency to the Institution, under Sir George Arthur, and Lord Sydenham, whilst in progress, were suspended by the Chancellor, amidst the excitement of the Union of the Provinces, and finally laid aside on the passing of the Bill in 1840, for establishing a Presbyterian University. But to what, it may be asked, were the funds applied during this period ? It appears from a Parliamentary Document published in the Appendix to the Journals of the House of Assembly, Volume 3, Session of 1843, that the disbursements during the fifteen years of the existence of King's College amounted to £76,797 11s—9d., and yet the University itself had then been in actual operation but six months. On what objects, then, was this large amount expended ? In the same Document, the items are thus stated :—

	£.	s.	d.
Assistance given to Upper Canada College .....	40,130	4	4½
Purchase of Site for the University, and College Avenue and grounds, with improvements in the fifteen years .....	13,148	1	9
Management and incidental expenses of King's College .....	14,787	15	2½
University Buildings, outfit, etcetera.....	8,731	10	5
	£76,797 11	9.	(Page 12).

The sum expended on the purchase of the College Avenue, and ground for the Site of the University, with the cost of improvements, is £13,148 1 9. Every one who has seen that property, must admit the taste and judgment of those, who selected it, for the situation is at once beautiful and convenient. An avenue seven-eighths of a mile in length, bordered with plantations, leads from one of the public streets of the City to a park, containing about one hundred and sixty acres, most appropriate for all the purposes of a University, and communicating also with the great northern road by another shorter avenue. . . . ||(Page 15).

The management and incidental expenses, i.e , Salaries of Officers, Surveys, Inspections, Law expenses, and other contingencies, during fifteen years, are set down at £14,787 15 2½. Now, the amount of landed property, which was to be managed, was about three hundred thousand (300,000,) acres. It appears then that the whole property has been managed at an expense of little more than three farthings per acre, *per annum*. Again, the amount of money actually received at the Bursar's Office was little short of One Hundred and Seventy thousand pound-, (£170,000,) from which it is evident, that the expense of the management, including the disbursement of that sum, has been less than nine per cent. *per annum*. Nor is any account here taken of the School Lands funds, which were managed by the College Council for about two years,¶ nor yet of the large amount of purchase money outstanding, (about Sixty Thousand pounds, (£60,000,) the details of which form no trifling portion of the business transacted in the Bursar's Office, and which, if added to the sum already stated, would considerably reduce the average cost of managing the pecuniary concerns of the establishment of King's College. . . . (Pages 15, 16).

As the University Question involves the consideration of Religion, the principal parties interested in its settlement are, 1st, the Church of England ; 2ndly, the Church of Rome ; 3rdly, the Church of Scotland ; 4thly, the Methodists ; 5thly, different Religious Denominations, not connected with those already named.

\*Chapter V of the Fourth Volume of this Documentary History deals with this subject.—page 73—87.

†Chapter VI of the Fourth Volume of this History, pages 88—183, gives full details on this matter.

‡The causes of this delay are given by Bishop Strachan in his Letter to Sir Charles Bagot, on page 170 of the Fourth Volume of this History.

§The "repressive action" of Sir John Colborne is referred to on page 25 of the Third Volume of this History.

¶ The particulars of this purchase of Site are given on pages 19-22 of the Third Volume of this History

¶ On this subject, see page 165 of the Fourth Volume of this Documentary History.

THE CLAIMS OF THE CHURCH OF ENGLAND ON KING'S COLLEGE CONSIDERED.

The claims of the Church of England are mainly based on the following facts : (1), that the Charter and Endowment were obtained by a leading Member of her Communion ; (2), that the government of the Institution, established by that Instrument, was, in its provisions limited to those who professed her tenets, and (3), that the Divinity to be taught was that conformable to her Articles. . . . (Page 23).

THE ORIGINAL LANDS ENDOWMENT OF KING'S COLLEGE, BY LETTEES PATENT IN 1828.

In the year 1797, the Legislative Council and House of Assembly of Upper Canada passed a Joint Address to His Majesty King George III :

In which the Upper Canada Legislature "implored that His Majesty would be graciously pleased to direct the appropriation of a certain portion of the Waste Lands of the Crown, as a fund for the establishment and support of a respectable Grammar School in each District thereof ; and also of a College, or University, for the instruction of youth in the different branches of liberal knowledge."\*

The results of this Address were, a Despatch from his Grace the Duke of Portland, then Colonial Secretary, communicating His Majesty's assent to the Petition,† and consequent thereon, a Report of the Executive Council, Judges and Law Officers of the Crown, in Upper Canada (was made on the 1st of December, 1793), recommending the appropriation of five hundred thousand, (500,000) acres, or ten Townships,—after the deduction of the Crown and Clergy Reserves,—for the purpose of establishing a Grammar School for each of the Districts, into which Upper Canada was then divided, and a University. The Report concluded with a recommendation, that the portion set apart for the University should be at least equal to that for the Schools.‡

The whole appropriation made, in accordance with that Report, contained 467,675 acres, Of these, 190,000 acres were alienated to Surveyors, for percentage, and to individuals by grants. In lieu of these alienations, 272,000 acres were added. Thus, it appears, that the appropriation for the Grammar Schools and the proposed University contained, (including 600 acres in the township of Warwick,) 550,274 acres. Of these Crown Lands, then, the University was entitled, according to the recommendation of the Report, to 275,137 acres. But, as the appropriated Lands were unsaleable, something was necessary to be done, in order that funds might be provided. An exchange was therefore effected, (in 1825-27) with the full concurrence of the Provincial and Imperial Governments, for Crown Reserves, which might be made immediately available. That portion of the appropriation which was the most unfavorably situated, was selected for the purpose, and thus, the residue, which was left for the Grammar Schools, contained the most desirable lands. The Endowment of King's College, then, consisted of those Crown Reserves, thus obtained in exchange, amounting to 225,944 acres, being about 50,000 less than the number which might have been justly claimed of the original appropriation. . . . (Pages 24, 25.)

THE QUESTION AS TO WHY "FREE GRAMMAR SCHOOLS" WERE NOT ESTABLISHED, CONSIDERED.

But, it may be said, that in the Despatch of his Grace the Duke of Portland, "the establishment of free Grammar Schools in those Districts in which they are called for," is noticed as the first object to which the appropriation should be applied, and yet, up to the present time, no such institutions have been established from the proceeds of the appropriation. In answer to this it is sufficient to observe, that there is a Grammar School in every District of the Province, supported by an annual grant of the Legislature, conformably to an Act passed in the year 1807, and in operation since that time;§ and that it would have been contrary to what

\* A copy of this Address is given on page 16 of the First Volume of this History ; but it should not have been therein stated, that the grant asked for was made for "a College, or University," as prayed for, but it was made for "other Seminaries—not Seminary—(—in addition to "free Grammar Schools,") of a larger and more comprehensive nature."

† The assent to the Petition was not in the terms of the Address, as here practically stated ; but the objects of the proposed Grant were varied from those specified in the Address of the Legislature. See pages 172, ante.

‡ The Executive Council and Judges, took upon themselves, in their Report, to depart from the terms of the Duke of Portland's Despatch,—probably intending the "University," therein mentioned and recommended, to be the first of "the Seminaries of a larger and more comprehensive nature," specified in the Duke of Portland's Despatch of the 4th of November, 1797.

§ For this Act, see pages 60, 61 of the First Volume of this History.



must be regarded as the intention of the Royal Donor, and highly detrimental to the Province, to have neglected carrying out the second object, videlicet, the establishment of a University, at a time when the youth of the Colony were prepared to avail themselves of the benefits of such an Institution, on the ground that no portion of the funds had been applied to the first object of the Royal Grant, but that the work contemplated in it had been accomplished by other means.

For the non-application of the School Lands to the purpose for which they were intended, the University is in no way responsible. The intention of those who decided and reported, in 1798, on the extent of the original appropriation, was, (as has been already stated,) that, at least, one half of the Lands should be set apart for a University. In accordance with that intention, King's College received her portion, nor was one single acre of her Endowment taken from that which was to be reserved for the free Grammar Schools. . . . (Pages 26, 27.)

By the Act, 2nd. Victoria, chapter 10, (passed in 1839),\* the proceeds of the School Lands were placed under the control of the Council of King's College, and were managed by them, during about two years, without any charge for the additional labour thereby imposed on them. It is well known, that in that time a searching scrutiny was conducted into the whole state of the School fund ; its actual condition fully developed in an elaborate Report ; a considerable portion of what was due to it recovered ; steps taken to compel the payment of arrears ; an uniform system of instruction prepared for all the Grammar Schools ; and arrangements made for providing, under certain limitations, each Master with an Assistant.† The progress of these judicious measures was suddenly stopped, by the passing of an Act in 1841, whereby the proceeds of the School Lands were removed from the charge of the College Council. On the occasion of making the transfer, as directed in this Act, the thanks of the Executive Council were given to the College Council for their disinterested labours, whereby the whole fund had been so materially benefited.‡ . . . (Page 28.)

#### CONTROVERSY IN REGARD TO THE OPENING OF KING'S COLLEGE UNIVERSITY REVIEWED.

*The Church of Rome.* In the controversy, regarding the opening of the University of King's College, the Church of Rome has not taken any part, nor is it likely that she will. Union with other Denominations, for educational objects, is contrary to her principles ; and, it is impossible, that she can be a party to the working of any Joint University plan, whereby it may be supposed that an accommodation of the claims of the different Religious Persuasions may be affected. If the Endowment of King's College is to be divided, she will, of course, take the portion assigned to her, and apply it in the manner which she thinks most expedient, but she will unquestionably not recognize, nor associate herself with, any Institution for Education, from which Religious Instruction is either proscribed, or not exclusively under her control. That Church, therefore, justly claims that no arrangement of the University Question shall be made from the benefits of which she would be excluded.

*The Presbyterian Church.* The claims of the Presbyterians are, it is believed, principally founded on the fact, that the form of Christianity, which they profess, is the Established Religion in Scotland. This, they conceive, entitles them to be placed on a par with the Members of the Church of England, and they are, therefore, dissatisfied that the latter should have any higher privileges, as a Body, than they themselves have. The Endowment of King's College, they urge, consists of Public Lands granted to it as the Provincial University. They, therefore, claim participation in the benefits of that Institution on equal terms with the Members of the Church of England.

The condition of their University,—Queen's College, Kingston,—also furnishes grounds for a claim. The Endowment of that College appears to be inadequate for the attainment of the objects contemplated by those who established it, and the Institution cannot be rendered as efficient as is desirable on its limited means.

On the claims of the Presbyterians, it will be sufficient to observe, (without entering into the question of the extent of their rights as “ the Established Church of Scotland,”) that, by the establishment of a University for themselves, they virtually abandoned their interest in King's College, and resigned their pretensions ; § for, of course, it could not be expected that Presby-

\* For this Act see pages 170, 171 of the Third Volume of this History.

† For this elaborate Report, see pages 240-283 of the Third Volume of this History. See also pages 306-308 of the same Volume, and pages 64-67 of the Fourth Volume of this History.

‡ For this Act see pages 55, 56 of the Fourth Volume of this History. See also pages 165, 6 of the same Volume.

§ The reasons why Queen's College was established are given on page 294 and 299 of the Third Volume of this History. See also the reasons for the establishment of Queen's College, as a University, in the Resolutions of the Trustees of the College on page 2, and their Petition on page 11, of this Volume.

terian parents would send their sons for education, to any other but their own University. Nor is the assertion, that Queen's College was intended to be merely a Theological Seminary, consistent with the statements openly made, whilst the Bill for its incorporation was in progress, and also whilst preparations were being made for its opening. The College was then decided and intended to be a Canadian copy of the Scotch Universities, and the donations given to it by Members of the Church of England, are evidence that it was regarded as designed to be a literary and scientific Institution, and not solely a School of Divinity.\*

It is certainly much to be regretted, that its efficiency is impaired by its want of means, but the adequacy of the funds should have been considered before its establishment—or, at all events, before it was brought into operation. If the undertaking has not proved as successful, as was expected, the Presbyterians have no one to blame but themselves. It was at their solicitation, and by their influence, that the Act was passed, in lieu of which a Royal Charter was afterwards granted.

But it is manifestly unreasonable, first to found a separate Institution, and then, because success has not been commensurate to their expectations, or wishes, to try to force an union with an establishment, from which they had voluntarily separated themselves.† King's College regards their Establishment with no jealous, or unkind, feeling. She wishes them success, and would be glad to assist them in maintaining the position, which they have selected for themselves.

But, however, it is to be presumed, that the peculiar claims of this Body may be satisfied by granting to Queen's College an Endowment, proportionate to that appropriated to the University of the Church of England. (Pages 31-33.)

*The Methodist Church.* The Methodists, and other Religious Denominations, in advancing their claims, cannot take as high ground as the Presbyterians. They assert their right to participation in the benefits of King's College, on the broad principle that an Institution endowed with Public Lands, should be equally open to all classes of the community; a principle which has also been fully recognized and warmly advocated by the Presbyterians.

The Methodists possess, moreover, the claim, that they have a University, and so inadequately provided for, that it requires some permanent arrangement for its support. The peculiarity of their circumstances is, that their Buildings have been erected at Cobourg, and they, therefore, do not desire to leave their present position.

Justice to them evidently requires, that no arrangement shall be made, the benefits of which they could not enjoy; unless they abandon the Establishment which they have at Cobourg, and incurred the heavy expense of providing new Buildings.

Their claims may, probably, be satisfied by granting a suitable Endowment for their Institution, and permitting that Establishment to remain where it is; but those urged by the other Denominations, on the principle that the Members of every Religious Persuasion shall be placed on a perfect equality, and that there shall be no pre-eminence, would require such a constitution of the University, as would be either universally condemned, or wholly incapable of being worked. . . . (Page 34.)

#### DOCTOR McCaul's PLANS FOR THE SETTLEMENT OF THE UNIVERSITY QUESTION.

If all Denominations are to be placed on a footing of equality, both *de jure* and *de facto*,—one of two plans must be adopted. Either all tests and declarations, and, with them, all forms of Religious Instruction must be abolished, and infidelity recognized as the dominant principle of the University‡; or, all Denominations must be adequately represented, not merely amongst the Professors but in the Governing Body, which is obviously impracticable, as it would require a greater number of Professors than would be either necessary, or capable of being supported by the funds of any one University, however liberally endowed.

It is plain that this condition cannot be satisfied by any constitution of the University which does not secure for it the confidence and favour of, at least, the majority of the intelligent and enlightened members of the community.

Another essential to the fulfilment of this condition is, that the University should be so constituted as to secure the greatest efficiency in its operation, and the more successful attainment of its object.

\* This is mentioned in the Address to the Queen by the Trustees of Queen's College on, page 75 of the Fourth Volume of this History.

† The movement in favour of this Union are given on pages 2-4 of this volume.

‡ The Reverend Doctor McCaul has here evidently drawn upon his imagination, as no one had ever thought of giving "infidelity" any place, or status, in the proposed University system. His alternative is a *non sequitur*.

As the efficiency of its operation must depend, almost wholly, on its government, the question which presents itself here is,—according to what principle should the Governing Body be constituted? The plan which has been suggested, of rendering it an assembly of the Representatives, or Delegates, of the different Religious Denominations, which it is proposed to combine under one University, is liable to the fatal objection, that the unity of purpose and action, which is essential to the good government of the Institution, can never exist. The inevitable result of such a formation of the Governing Body would be strife amongst its Members, and faction amongst the Professors. . . . (Pages 35, 36.)

There should be not merely qualified Instructors, but a sufficient number of them; and the Library, Museum, Apparatus, etcetera, should be on an adequate scale. . . .

Here, it may be urged, is the strong argument in favour of having but one University; for it cannot be denied that resources can be more easily provided for one, than for several of such Institutions. . . . (Page 37.)

Of the Religious Bodies in Upper Canada, the four which are most numerous are the Church of England, the Methodists, the Church of Scotland, and the Church of Rome. Now, without considering other Denominations, even of those there are but two who could be united, and of these two, the desire for the union is wholly on one side. In a plan for joint education, the Church of Rome will not unite, from principle; the Methodists, from fear of the additional expense, which they would be obliged to incur, if they abandon their present Buildings at Cobourg. Let it be supposed, then, that the clamour for equal justice to all sections of Her Majesty's subjects is pacified by the union of King's and Queen's Colleges, and the grant of an Endowment, or allowance, to Victoria College; another clamour will be raised, and justly too, on account of the unfair superiority which the Methodists will enjoy of having a University exclusively their own; and then either it must be constrained into union, or a divorce must be obtained for the parties uselessly forced into an unhappy alliance. . . .

#### NATURE OF THE INTERNAL, OR DOMESTIC, DISCIPLINE NECESSARY IN UNIVERSITY LIFE.

Every one, at all acquainted with the subject, must know that there exists a difference of opinion, (and of practice, too, in different Universities), relative to the residence of Students,—some believing that it is impossible that the real advantages of a University Education can be enjoyed without domestic discipline; others regarding this as unnecessary, if not injurious.

How are those, in this Province, who hold the latter of these opinions, to be satisfied? If all the Colleges belonging to different Denominations are to be clustered round a central Institution at Toronto, and this group is to form the only University in this portion of the Province, then residence, if not within the walls of the Colleges, at least within the City, will be required; for those who desire to avail themselves of the benefit of University Education, must come to Toronto, and be at the expense of remaining there during the prescribed number of University Terms. There can be no doubt, that there are many parents, who would . . . complain of this as a heavy tax. Nor can it be questioned, that many would, in consequence, be wholly excluded, by the narrowness of their circumstances, from affording to their sons the advantages of the University. . . .

The citizens of Kingston would, very reasonably, feel aggrieved, if almost the only Institution of a public character left to them should be taken away, and the expectation, that the University established there would be the means of attracting an influx, not merely of occasional visitors, but of permanent residents, should be disappointed by its removal.

Nor would Cobourg, it is presumed, be backward to advance its complaints of being deprived of the advantages which the possession of Victoria College confers on it, if the Authorities of that Institution shewed any desire to extend to some more favoured town, the benefits arising from their Establishment.\*

But it may be said, centralization is absolutely necessary; and to this necessity all other considerations must yield. Now, although it must be admitted, that it would be impossible, under existing circumstances, to support, in efficient and successful operation, more than one School of Medicine, and one of Law, yet this admission should undoubtedly not be extended to Schools of Arts and Divinity. . . . (Pages 39-41.)

Frequent changes are injurious to any Establishment, but ruinous to a University. It is impossible that the objects of such an Institution can be attained, if it be subject to repeated changes and modification.

\*Nevertheless, in 1850, an Act was passed to authorize the removal of Victoria College to Toronto. It was not then received, however; but the College was closed at Cobourg in May, 1892, and its next Session was opened in Toronto on the 1st of October of that year.



Alterations, if often introduced,\* even by its own Authorities, are most prejudicial to its welfare; but the very anticipation of external interference in its management would produce the most mischievous effects:

*Non solum adventus mali, sed etiam metus ipse affert calamitatem.*

Repose is absolutely essential to its success; if disturbed, or even liable to be disturbed, it must fail. . . . (Page 41.)

Some propose that there shall be but one University; others, several; and the enquiry into which the Legislature will be required to enter . . . is, which of these propositions is the more practicable, and which the more likely to be beneficial to the community? . . . (Page 43.)\*

The Convocation, or as it is denominated in Cambridge, the Senate, is the Body by which the University Statutes and Ordinances, binding on all the Colleges, are passed. To a University, having several Colleges under it, it appears to be almost essential; although, in the case of one College having University privileges, it may be dispensed with, except for mere matters of form. This Body in Oxford and Cambridge, is composed of all those who are Masters of Arts, or Doctors, and keep their names on the Books, or Boards, of the University, and the number of those there entitled to vote on matters relative to the Statutes, and all University affairs, amounts in each of those Universities to some thousands. . . . (Page 46.)

The "Master of Arts," [who has written the Kingston Pamphlet entitled "Thoughts on the University Question"] . . . proposes a definite plan for the construction of the University Council, but only as to the Members who are to compose it. . . .†

The only Bodies in Oxford, Cambridge, and Dublin with which it can at all be compared are the Hebdomadal Meeting of the Heads of the Houses in Oxford, the Caput in Cambridge, and the Board in Dublin; but it certainly bears no resemblance to any one of these. Nor is it similar to the Town Councils of the Scotch Universities, or to the Council of the University of London. . . . (Page 47.)

The London University, which some of the admirers of the new plan of consolidation regard as a model, has scarcely any point of agreement with the Institution which they recommend. In the first place, its characteristic is dispersion, not centralization, for it recognizes for Degrees in Arts and Law the Certificates of not less than twenty-one Colleges, or Institutions, scattered over England, Wales and Ireland; whilst those which it receives for Degrees in Medicine, embrace the Students of more than sixty Establishments in different parts of the World.

In the second place, it does not profess to give Religious Instruction, according to the tenets of the different Denominations, but regards none as necessary; and its Governing Body is not composed of individuals selected because they confess particular Religious tenets, but wholly without reference to whether they either profess, or have any, or not. . . . (Pages 49, 50).

The plan, then, which the Writer of these pages would submit, as, in his judgment, the best which can be adopted, under the circumstances, is to leave the Endowment of King's College untouched, and to provide endowments from the Crown Lands, and residue of the Clergy Reserves, for the other Universities of Victoria and Queen's at present existing, and also for those which may hereafter be established by Royal Charter. . . . (Page 56).

What are the superior advantages which characterise this plan?

*First,* It not only does not place any of the existing Universities in a worse position than at present, but it ensures an improvement in their circumstances. Peace would more than compensate King's College for the additional expenditure thus imposed on her.

*Secondly,* It does not require a violation of the principles of justice, or constitutional law.

*Thirdly,* It neither gives an unfair superiority to Victoria College, by leaving it as the only University having a distinctive Religious character, nor yet injures it by forcing the abandonment of its present Buildings at Cobourg.

*Fourthly,* It effectually prevents any combination of the Church of England and the Church of Scotland, or any establishment of a joint supremacy, whereby the other Denominations would feel themselves aggrieved, and might actually be wholly excluded.

*Fifthly,* It would not debar the Church of Rome from the benefits of University Education, as she might have a University under her own control; and would not establish a precedent, whereby the security of her property in the Lower Province would be endangered.

\* Doctor McCaul here proceeds to discuss the objections which may be urged against the first plan which was proposed. They are, however, mere matters of opinion.

† Extracts from this Pamphlet are given further on in this Chapter,—see pages 228-235.

*Sixthly*, It would distribute through the Province the advantages which a University brings to the place, in which it is situated, and to the whole neighborhood in its vicinity, instead of securing a monopoly of these to any one Town, or District. It would render the blessings of University Education more easily and cheaply accessible to a greater number of the community.

*Seventhly*, It would remove all difficulties as to the formation of the Convocation, or College Council; for each University would be governed according to its own Statutes, and it would not be necessary either to abolish or to degrade, Degrees in Divinity. . . (Pages 57, 58.)

If other Universities, which have been established since King's College obtained her Charter, cannot continue to exist as they were established, without "enormous pecuniary cost," it is unfair to throw the blame, which attaches to those who were instrumental in founding and conducting them, on others, who neither advise, nor desire, their existence as separate Institutions. . . . There are three Universities, and they must be either consolidated, or maintained as they are. If the choice, then, lies between these alternatives, the first being unjust, unconstitutional, impracticable, and unsatisfactory, and the latter being only very expensive, there can be no doubt which should be preferred.

*Fiat justitia, ruat cælum*, is a true, though a trite, maxim, and has never been neglected with benefit either by individuals, or by nations. . . (Pages 58, 59).

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#### THE REVEREND PETER COLIN CAMPBELL'S "THOUGHTS AND SUGGESTIONS ON THE UNIVERSITY QUESTION," 1845.

In the preceding Pamphlet, written by the Reverend Doctor McCaul, he has referred to the Pamphlet published in Kingston, early in the year 1845, in which his own was published\*

In referring to this Pamphlet on its publication, the local newspapers of the day mentioned it as having been written "by a Professor in Queen's College," or by a "person connected with that College." The reference was clearly to the then able Professor of Latin and Greek in the Queen's University—the Reverend Peter Colin Campbell, M.A., who, after the "disruption" of 1844, in the Presbyterian Church, returned to Scotland and became Principal of the University of Aberdeen. In a note which I received from Mr. Chown, the present Registrar of Queen's College, in August, 1897, he says :

Professor Campbell forwarded his resignation from Scotland on the 16th of August, 1845 ; but his Letter did not reach Kingston until the 10th of October of that year.

Principal Liddell handed in his resignation at a Meeting of the Board of Trustees, on the 13th of July, 1846. His reason appears to have been a difference of opinion with the Trustees, regarding the desirability of a union with King's College, and the advisability of changing Queen's College into a Theological School only.

In the beginning of his Pamphlet Mr. Campbell said:

Among the subjects which must unavoidably engage the attention of the Legislature during its present Session, not one, probably is regarded by all parties as equalling in importance that of the great public University of Western Canada—King's College in Toronto.

#### THE GREAT IMPORTANCE OF THE RIGHT SETTLEMENT OF THE UNIVERSITY QUESTION.

Wherein consists this importance? Not solely in the fact, proved by the numerous Petitions presented to the last and to the present Parliament, that there is a loud cry for legislation on the subject.

Nor, secondly, in the mere fact that a public Endowment, worth perhaps a quarter of a million of pounds currency,—an endowment liberal, but by no means too large in proportion to its objects, and the reasonable prospects of the Colony—is at stake ; and, that it is, *prima facie*,

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\*The full Title of this Pamphlet is: "Thoughts on the University Question. Respectfully submitted to the Members of both Houses of the Legislature of Canada, By a Master of Arts." Kingston, 1845, (36 pages.)

unjust, as well as inexpedient, that the benefits of this—the only adequate appropriation for a University, set apart out of the public resources of Canada West—should be confined to a single Denomination, which, however respectable it may be, numbers, is, on its own admission, not more than a fourth, probably not above a fifth, of the population of Upper Canada.

To him who regards politics as a “trade,”—to the popularity-hunter, and to the Legislator of mere expediency, the former of these facts will alone be a sufficient proof of the importance of the University Question.

The public man, on the other hand, who, to upright intentions and impartiality, unites unhappily the defect of limited views, and an imperfect acquaintance with the nature and extent of the results involved in the settlement of the University Question, will probably look no further than the latter. . . . *Page 3).*

But the Statesman, possessed at once of liberal principles, pure motions, and enlarged views of the subject, and the future welfare of the Country, as connected with it, will see, in this University Question, elements of a nature far transcending that of those which enter into ordinary topics of public interest. Irrespectively altogether of the undeniably great excitement which the Question has produced, and the large pecuniary conditions involved, momentous as these may be, he will perceive in it an importance entitling it to no ordinary amount of thought and exertion.

WHAT, TO UPPER CANADA, IS INVOLVED IN THE SETTLEMENT OF THE UNIVERSITY QUESTION?

Wherein, then, lies its real and peculiar importance?

In this—that it is a question, the prospective bearings of which, on the most vital interests of the community, are, beyond all calculation, greater than those of any other subject with which the Legislature has at this time to deal. The matter in hand is nothing less than the framing of the mould in which are to be cast the minds of our future Statesmen and Legislators, Divines and Instructors of Youth, Lawyers and Physicians;—the minds which, come what may, will form the intellectual and moral, as well as the constituted, power of the land, and exercise over our descendants that irresistible influence which is the inalienable possession of superior knowledge. It is nothing less than this,—how are we to place, and into what hands are we to put a lever which will hereafter move, for weal or woe, the whole social mass of Upper Canada? Is this mould to be constructed of such capacity as to receive and fashion the ingenuous spirits of our children, to whatever section they may belong, for the common good, or is it to be a costly instrument, provided at the public expense, for the benefit of a few, to shape and harden the rising genius and talent of the Country into the rigidity of party? Is this lever to be entrusted to irresponsible hands, or jointly committed to those who are all alike deeply interested in the application of its incalculable power? This is the question. . . . *(Page 4).*

The question before the Country and Legislature is not, shall a quarter of a million of money be thrown away, or shall it be usefully employed? But,—the pecuniary aspect of the matter being treated. . . . separately—are we to sow, in this Institution, the seeds of innumerable blessings, or of countless evils? To look to the pecuniary amount, in the first instance, is to make the price of a drug a matter of greater moment than its healing, or poisonous, qualities. *(Page 5).* . . . Surely, then, our Canadian Legislature alone, among all others, will not shew itself incapable of ever rising above the janglings and petty jealousies of party and persons, by refusing, on a question involving interests so high and holy, to let the spirit of faction slumber for a while and to unite in settling this great public controversy on enlarged and patriotic principles,—thereby earning the mutual respect of each other and of other Lands, and the affectionate gratitude of posterity. . . . For, assuredly, there are questions—where to be a party man is to be a traitor—and this is one of them. . . . *(Page 5.)*

THE SUBJECT DISCUSSED AS TO HOW MAY THE UNIVERSITY QUESTION BE SATISFACTORILY SETTLED.

One, or other, of the following methods may be adopted:—

*First,* The whole Endowment of King's College, being left in the hands of its *de facto* possessors, the adherents of the Episcopal Church—Endowments on an equal scale may be provided out of the public resources for Colleges of the remaining three-fourths, or four-fifths, of the inhabitants of the Province.

*Or, Second,* The Endowment of King's College may be divided among the various Religious Denominations, in proportion to their numbers, to be applied by them to the Endowment of separate Universities for themselves.

In either of these ways, justice . . . may be clumsily done . . . But these ends will be gained by deep injury to the cause of Education in Upper Canada, and by sowing the certain seed of future convulsions. The evil will only have been thrown forward on the path of time to prove the misery of other generations.



There are deadly objections common to both of the above mentioned schemes. But there is an objection peculiar to the first—leaving things as they are, and providing otherwise for non-Episcopalian Colleges. . . and yet, let it be observed, that the first mentioned scheme,—that of leaving King's College under the sole and unrestrained control of the Church of England, and the endowing other Denominations on an equal scale, is the only method of doing justice to all, which those, who uphold things as they are in King's College, can possibly devise, or suggest. Let the question then be asked and answered :—Is the Crown, or the Legislature, prepared to appropriate a million currency, or Crown Lands of that value . . . for the foundation of separate Universities ? The burden of pointing out the sources from which Endowments on this scale is to come lies certainly, in all fairness, on those who demand that King's College shall remain as it is—a Church of England Seminary. . . (Page 6.)

It is enough for me to show that the position and proposals of this party are untenable and impracticable, without assuming that wherever they are maintained, or exhibited, they are connected with a want of honourable feeling and principle. And yet, we have heard from quarters entitled to respect, references made on this point to the British Universities, which are admittedly under the direct control, or paramount influence, of the National Churches. But between these venerable Institutions and King's College there is no analogy whatever.

The Universities of England and Scotland were placed in connection with the Church Establishments at a time, when the whole population of these countries, with hardly an exception, were Members of the same Religious Community. Those, who have since then separated themselves from the National Establishments, have done so with their eyes open, voluntarily abandoning—yea, making a merit of abandoning—the benefits of these Institutions. . . Besides, the property of these Institutions, while in by far the greater number of cases originating, not from public, but from private, sources, has been augmented, in the lapse of ages, to ten fold its original amount, by benefactions and bequests bestowed by individuals connected with the Established Churches, and with a direct view to the prosperity of the Universities, as also connected therewith.

#### THE NATIONAL INJUSTICE OF THE MONOPOLY OF KING'S COLLEGE CONSIDERED.

In neither of these points of view are the cases analogous to that of King's College, That University was founded as the great Seminary of a Province, the population of which, at the time of its foundation, was divided into several large Religious Sections, one of which, at least [the Church of Scotland] possessed an equal right to any exclusive, or peculiar, favour with the Church of England. And while endowed with a sufficiency for the University Education of the whole Country for a century to come—that is, with all the Crown Lands and property available for such a purpose, and to . . . the extent of half of its endowment—with property destined for a different purpose—(a fact repeatedly and unanswerably brought forward by the Honourable William Morris, present Receiver General of the Province,\*) it was, on the representation of a single party [i. e. a Religious Denomination] among the many, secured to its use alone. Nor has the section of the community which thus obtained the exclusive possession of the only public University endowment in Canada West, acquired, by any subsequent private benefactions of its Members, . . . a new show of right to undisturbed enjoyment of that endowment. We have heard even from its official Advocate of only £500 worth of books contributed in this way, and of one or two Scholarships—the whole not amounting in value to a tenth of that which has been shown to have been, during years of inefficiency, wasted and misapplied.

So much for the assumed right of the Episcopal Church in Canada to exclusive endowment for University purposes. If, then, King's College is to remain as it is, under the paramount control of that Church, it is the bounden duty of the party demanding to retain this privilege to show how it can be permitted to do so, without flagrant injustice to others. We have said that the only way in which this can be done is by the endowment, on an equal scale, of other Religious Denominations—that is, by the appropriation, for new Universities, or four, or five, times the Endowment of the proposed Toronto University. Is the Legislature, then, prepared for this—the only means of securing the Episcopal Church in undisturbed possession of that which it acquired by stealing a march upon the rest of the community—in selfish disregard of every interest but its own.

#### PARAMOUNT OBJECTION TO ENDOWING OTHER UNIVERSITIES BY NEW APPROPRIATIONS.

But there are objections lying deeper, yet infinitely more important, when brought to light, than the enormous pecuniary cost of establishing separate Universities in Canada West, by new appropriations—objections which lie equally against the second of the schemes above stated (Pages 185 and 227, *ante*,) that is, namely, of founding other Seminaries out of the endowment of King's College. Let us first, however, consider the main disadvantage peculiar to the second scheme.

\*See pages 23 and 179 of the Second Volume and 89 of the Third of this Documentary History.

The great objection to this plan—and it is alike obvious and fundamental—seems to be, that, by carrying it out, an Endowment, not perhaps more than sufficient for the establishment of one useful Seminary, would be frittered away into portions utterly inadequate, severally, for the foundation and maintenance of anything like a University in the land. Instead of one well-furnished Institution, with a sufficiency of Instructors to allow of that division of labour, which alone conduces to excellence, and of the appliances needful to the advancement of sound learning and accurate science, we should have our country dotted here and there with a number of . . . inefficient Academies—each, by its scanty staff of Professors, its limited library, its inadequate Museums and defective Apparatus, belying the name it bore—that of a University. . .

#### WHAT WOULD BE THE ADEQUATE EQUIPMENT OF A PROPER UNIVERSITY.

But no one, who is qualified to form an opinion on the subject, no one practically acquainted with the statistical details of such matters, will charge us with exaggeration when we say, that, to establish, on the most economical footing, anything deserving the name, or fitted for the purposes, of a University, and that too, without a Medical School, or with a very imperfect one, would require a sum of at least One Hundred Thousand pounds, (£100,000,) or one-third of that amount in hand, and a yearly revenue equal to the interest of the remainder. Nor would even that sum achieve the desired result, unless the duty of two, or three, Professors were conjoined, and committed to single Instructors, until the number of pupils, and, consequently the amount of tuition fees, should far exceed anything that, on the system of separate Universities, can be expected for some generations to come in Canada. . . (Page 6-9.)

(NOTE.—The Author then proceeds to quote the example of the United States, the introduction of such an example into Canada, he deprecates.)

But, in whatever way—whether by frittering away the funds of King's College, or by liberal and adequate (yet unnecessary) Endowment . . . we establish separate Universities, one result certainly awaits us : We shall have men of high attainments in science and literature, here and there, spending their lives and energies in lecturing to spiritless half dozens of pupils, with the same expenditure of labour which would have availed for the instruction of hundreds, and infinitely less of that zeal which stimulates and sustains the laborious ; while in vain we shall look to find, amid the thinly attended walls of our numerous Seminaries, that spirit-stirring intellectual activity, that University air which gives life to great literary effort, and fans the flame of youthful genius.

#### THE PRACTICAL QUESTION OF "WHAT IS A UNIVERSITY?" ANSWERED.

What is a University ?—for elementary, in the consideration of the subject, as the question may be, we feel that it is needful to ask it—What is a University ? Not a mere Charter, and Endowment, and a staff of Teachers in various branches of art and science—not a mere *infundibulum* of knowledge, of this and that kind, into the intellect and receptacles of the memory—but a miniature world—a commonwealth of varied dispositions and tastes and talents, in which a man is not merely taught to know, but trained and stimulated, amid the multitude of his fellows, to reason, and to act, and to excel in all matters intellectual and moral—in which, not more by the instructions of qualified perceivers than by the inspiring contact of other minds, engaged in friendly rivalry in similar pursuits, the early spark of talent is kindled—the individual capacity experimentally, ascertained and strengthened—the erratic bent of individual taste and genius restrained and beneficially directed—the energy of the individual will repressed where excessive, and invigorated where weak—the timidity and self-distrust, which are not seldom the natural accompaniments of the finest powers, and the presumption as often attendant on limited abilities, alike worn off before the period of public action, and with infinitely less cost and pain than in the ruder school of worldly experience—where, in short, by the play and action of mind upon mind, the future guardians of man's best interests are led each to know, in some measure, practically, his appropriate part 'ere he comes forth to perform it—and where all this goes on under the direction and example of the learned, the wise, and the pious.

#### THE SYSTEM OF SEPARATE UNIVERSITIES IN OUR THINLY SETTLED COUNTRY DEPRECATED.

And how is this great object to be realized in a thinly peopled Country like ours, by the system of separate Universities ? Let us do all we can to concentrate the matured and nascent talent of the Province, many years must pass by before we can possibly have in Canada West a University possessing that great essential to efficiency—a sufficiency of Students under a corps of Teachers enabled, by a proper division of the branches of science, fully to do them justice. . . (Pages 11, 12.)

To delay to legislate in such a manner in this Country, as shall, if possible, bring these [Students and Instructors] together, is . . . to neglect the true interests of learning. To legislate, so as that they shall necessarily be kept apart, or that any party shall find it to be its

interest to keep them asunder, were a blunder worthy of the Goths. . . . But that this will be the result is proved already by the numerous Petitions on the Table of the House of Assembly for aid to rival Academies. . . . If the system of separate Universities be the best, then,—whatever be the cost,—let the Parliament, to the full extent of its available means, proceed to provide for the people and their descendants that which, next to Righteousness, “exalteth a nation”—solid learning, and true science. But, so far from it being the best mode of advancing these precious interests, it is so surely the worst that, were it our express aim to doom Canada to a lasting and hopeless mediocrity in every literary and scientific pursuit, we could not more effectually attain it than by the system of separate Universities, with our present population, each twinkling like a rush light, and, instead of illuminating, itself scarce visible amid the darkness around. . . . (Page 12.)

And while such will be the inevitable effects of the system of separate Universities on the interests of Education, what will be its bearings on our social condition? In attempting to appreciate these, we have to set out from the consideration that these Universities will be, not merely separate but sectarian. The adoption of that system by the Legislature will amount to a public proclamation of the impossibility, the hopelessness, if not the undesirableness, of the various sections of the Religious Community “dwelling together in unity as brethren;”—and the surest way will have been taken of realizing the dismal foreboding, by rendering it all but impracticable for our children to understand each other better than we have done,—by furnishing each Religious Denomination, at the public expense, with the means of training the flower of its youth, . . . *non reipublicæ sed sibi*; and of perpetuating the self destroying feuds by which our Province has hitherto been lacerated. We shall have established Schools, not of Science, but of Sect,— . . . from which the educated, and, therefore, the more influential members of the community, will come forth in yearly bands, only the better qualified, at the public cost, . . . to wage an incessant war with the nurslings of rival Seminaries. . . . (Pages 12, 13.)

#### THE DUTY OF OUR LEGISLATORS ON THIS QUESTION STATED AND ENFORCED.

How incomparably more wise and noble were it for the Legislature of this rising Country, viewing this University Question in the light of futurity, to provide, if possible, in its settlement, not for the continuance, but for the extinction of our differences; or for the gradual amelioration of the spirit by which, in our day, these differences are embittered! To compenmen to lay aside their formal distinctions in matters of Religion is beyond the province of the civil Legislator, but to sanction and to cherish these differences is criminal; to do so at a burdensome cost to the public is most unwise; to do so with the certainty of thereby perpetuating civil broils and increasing the difficulties of future legislation is a disgraceful neglect of the immediate duty which devolves upon him. . . . We may surely remind our Legislators that Providence, by the peculiarity of the times and difficulties amid which it has called them to act, and by the power which it has placed in their hands of providing for the abatement, or the increase, of these difficulties in after days, has assigned them a post of no ordinary responsibility and honour; that, according as they act in the moulding of our infant Institutions, they will earn the gratitude, or the maledictions, of many generations; that however wisely . . . [they may otherwise act], they will appear, in the light of futurity, to have been most untrue to their trust, . . . when it might most easily have been done, they shall not have provided for, at least, the gradual decay of our social . . . disabilities, and for the consolidation of the inhabitants of this Land, (whose origin and views are so various,) into one friendly and harmonious people. And how . . . could this be more hopefully attempted than by establishing the Provincial University on such a footing, as to ensure the confidence and support of all sections of the inhabitants, and making it their delight and interest to commit their sons, in one body, to its care

#### THE INTENTION OF THE COLLEGE CHARTER AMENDMENT ACT OF 1837 DEFEATED.

That such was the aim of those whose abilities and exertions, procured the amendment of the Charter of King's College in 1837 is well known. But, that this aim has been defeated by those whose actual possession of the Institution has rendered these amendments a dead letter needs no proof\* beyond the manifest,— . . . unwillingness of non-Episcopalians to send their sons to that Institution, and by the mass of Petitions which have poured, and are pouring, into our Legislature, for some effectual Act, which will no longer permit the amendments of 1837 to be unmeaning, and to make the University of real general utility. From such an Act, if passed, we may anticipate the most blessed results. By concentrating into one focus the literary and scientific light to be found in the Province,—by enabling those who possess it, by a division of labour in harmonious union, to promote its advancement,—by procuring for our youth that necessary stimulus which a number of competitors alone can furnish, we shall give at once an

\*See the statements of the Honourable William H. Draper on this point on page 184, ante.



impulse to learning ; we shall open an arena, on which exertion will indeed be an honour ; and we shall . . . have our common affections and interest centered in one noble Seminary, which will be a credit to the Land, and may be the means of holding out to this new World an example worthy of imitation, and which amid all its progress, it still requires . . . (Pages 14, 15)

. . . Students thus brought together, would separate to enter on their public and professional career, bearing with them—as from the home of a common Mother, to whom they would look back with equal love, and, in whose welfare, they would be alike interested—the ties of an invisible, yet indissoluble, brotherhood, and happier than their fathers have been, would feel, in all their future differences, the mellowing influence of early companionships and old associations ; *Nec enim est sanctius sacris iisdem quam Studiis initiare.* . . . (Pages 15, 16.)

Such an opening, and such a result, in this Province it is, we believe, in the power of the Legislature to afford in the settlement of the University Question.

#### HINDERANCES WHICH PREVENT A “CONSUMMATION, DEVOUTLY TO BE WISHED.”

What now is the great impediment, which mainly hinders this object, so desirable, from being realized ? that which renders it so desirable—Religious division. We now come to the master difficulty of the University Question.

It may occur, and no doubt has occurred to some minds, on a superficial view of this matter, that the great difficulty on the consideration of which we have entered, may be got over by simply providing that, in conformity with the spirit of the Charter, as amended in 1837, the Church of England Divinity School, now existing in King's College, shall be abolished, that the Chapel shall be closed, and that, in future, the subject of Religion shall form no part, practically, of the University system, remaining only, in a theoretical form, in the test, at present imposed in officials—namely, a declaration of “belief in the inspiration of the Holy Scriptures and in the doctrine of the Trinity.”

Now, as a preliminary, this may be so far well. But if this be all that is to be done, what will be the result ? . . . (Pages 16, 17.)

(NOTE. Mr. Campbell then deals with the question of the evils of entirely excluding religion from the system of University Education, and its disadvantages in the case of Divinity Students. He then proceeds to discuss the general question as follows) :

Now, if all that is to be done is to sever Religion from the University foundation, and to make no provision for it at all, every friend of truth throughout our Province will, we trust, arise as one man and, with united voice, put down a object,—the accomplishment of which must, as we have shewn, be ruin alike to our Science and to our Faith. . . . (Pages 21, 22.)

To banish, however, the direct influence of the Church of England from the University, and with it all Religious influence, and to think that, when this has been done, all has been done that is required, is neither more nor less than to evade the great question now before the Legislature. It is to evade, not to solve it ; and, the evasion is worse than if nothing were done. Let it be clearly understood what the problem is, and wherein its great difficulty lies.

The problem is this,—to combine parties in the prosecution of the catholic matters of Literature and Science,—to unite the youth of the Province on all Religious Denominations in one University, there to stimulate each other to the attainment of excellence, and to grow together into one,—and, at the same time, to secure for them, while there, definite and effectual religious and moral superintendence. In the combination of the means of moral and religious instruction, which . . . must be various, with the means of intellectual improvement which are to be the same for all, lies the very marrow of the problem.

To provide separate Universities for each variety of Creed is to waste the public resources ; to perpetuate, nay to foster, at the public expense too, the evils of division. . . . (Pages 22, 23.)

#### A PROPOSED AND POSSIBLE SOLUTION OF THE UNIVERSITY PROBLEM.

The solution, then, of the University problem and, it is believed, the only one is to be found in the leading principle of the Bill introduced last year into the Lower House by the Honourable Robert Baldwin, the late Attorney General for Canada West.\* That “leading principle” may be enunciated in the following propositions :

*First*, That Theology shall form no part of the teaching of the University, as such ; but that, at the same time,—to provide for the indispensable requisite of Religious Instruction and superintendence—there shall be

\*For a copy of the Baldwin University Bill of 1843, see pages 61-87 of this Volume.

*Secondly*, Colleges, professedly Theological and Denominational, placed beside the University and incorporated with it, in which the Students of each Denomination,—while receiving in common the general Literary and Scientific instructions, provided by the public Endowment,—shall reside, enjoying simultaneously with the benefits of the University, the advantage of Religious superintendence ; and in which,—after their preliminary studies in the public classes of the University and obtaining the Degree of B. A.,—those who are intended for the Clerical profession in each Denomination shall proceed, under Professors in the foundation of the various Colleges, not of the University, with their strictly Theological studies.

Among the advantages of this University Scheme, we would especially indicate the following :

(*First*,)—by uniting College superintendence and discipline, on the one hand, with public University Lectures on the other, it combines the benefits and corrects the defects of the English, and of the Scottish and German, University systems.

(*Secondly*,)—it places all concerned on a level, as regards the benefits of the University while it obviates every objection, on the score of want of Religious Instruction and Worship therein, through the provision made for these purposes in the several Colleges. At the same time, it admits of no University interference with the Religious Doctrines taught in each College, or with the Religious Worship maintained in the various College Chapels,—public Instruction, Examinations, and Degrees, being the sole business of the University,—private tuition and Religious training, the appropriate business of the Colleges.

(*Thirdly*,)—while not providing for Religious superintendence, or Theological education, on the University foundation, it, nevertheless, affords to Theological students, residing in the Colleges of the University, the benefits of the University Library and Museums, and of attending such Scientific and Literary Lectures, as they may desire.

(*Fourthly*,)—it relieves the Province, or the various Religious Denominations, from the burden of founding and maintaining separate Universities, to the detriment at once of Science, of the public peace, and of the already endowed University,—permitting the Province, for some generations to come, to concentrate its attention and liberality in perfecting and promoting the efficiency of one great Institution ; and the Religious Denominations to apply their funds to an object more limited, and more within their reach,—the establishment of Theological Colleges.

(*Fifthly*,)—these Colleges, by securing the attendance at the University of the Students of all the Religious Denominations, to which these Colleges belong, ensure its success. The Professors of Literature and Science in the University, instead of having a mere fraction of the studious youth of Canada, as at present, will number among their pupils the youth of every Denomination.

(*Sixthly*,)—instead of merely throwing loose the University and its Offices as a bone of contention among the various Religious Denominations, it secures to each such Denomination a definite and fixed amount of influence, by means of the representation of every College in the University Council, by the Heads of such Colleges, and by a delegation of the Professors of Colleges. It is thus impossible for the Council, at any time, to consist solely of the Representatives of one Religious Denomination. There must be Representatives of every such Denomination, which has so far interested itself in the education of its youth, and the prosperity of the University, as to erect a College in connection with that great Provincial Seminary.

Now this assignment to each Religious Denomination, which shall have connected itself with the University, of not merely an attainable, but a fixed and regulated, amount of influence, through College Representation in the University Council, is far more important and beneficial in its bearings than might at first be supposed. . . . (pages 23-25) But the scheme of Representation by Colleges is an effectual security against the total exclusion of any Religious Denomination from the University Council, by whatsoever party the greater number of the University chairs may at any time be filled, while it leaves the patronage free to be exercised,—not on the principle most prejudicial to the interests of the University as a seat of learning,—of maintaining a balance of power between the various Religious Denominations by a distribution among them of Professorships—but on that of a simple regard to literary merit ;—it being understood, that the balance of power, so far as desirable, is to be maintained through the College Representation—that is—the Representation of each Religious Denomination, by means of those whom it itself has selected as most fit to be entrusted with the charge of its youth. . . . (Page 26).

To give the principle due effect a better arrangement might easily be adopted. The Professors on the University foundation, being classified into the Faculties of Arts, Law, and Medicine, the Senior Professor, or Head of each Faculty, might have permanently, and, *ex officio*, a seat in the University Council ; one, or two, of the Professors, according to the number in each Faculty, being also entitled to seats, in rotation, as the elected Representatives of their Colleagues in the same Faculty :—the various Colleges being likewise each represented permanently by its Head, and also by one of its other Officials in turn. The “balance of power” would thus be preserved, whatever party might enjoy, for the time, a majority of University Offices ;

while the advantage would be gained of adding to the experience and knowledge of forms possessed by the permanent Members of Council, namely, the Heads of Colleges and Faculties, the equally valuable benefits arising from an annual change of a portion of the Governing Body.

(*Seventhly, and Lastly*),—among the advantages incident to the main principle of the Baldwin Bill of last Session, we would mention that of bringing the youth of all parties together and placing influential men of every Religious Denomination in circumstances in which they would . . . treat each other with a courtesy and respect. . . . which would ere long exert a blessed influence far and wide throughout their respective parties in the Province. . . . (Pages 26, 27.)

(NOTE. Mr. Campbell then devotes several pages of his Pamphlet to a discussion of the Baldwin University Bill of 1843,\* and concludes with some remarks on the various courses open to the Legislature in dealing with this question.)

We now close our humble endeavour to set, in a proper light, some vital considerations on this most important subject.

That King's College should be left as it is,—Provincial and liberal in theory, but in fact in a state most unfavourable to the education and social welfare of the community,—is desired by few, and, we believe, now expected by none.

In dealing with this subject, there are four courses open to the Legislature.

*First*,—The Legislature may attempt to preserve the University of King's College in its present position for a time,—proposing to found separate Universities for those who are to be forever, as at present, virtually excluded from it. To this proposal, unless accompanied by the actual endowment of such other Institutions, how can any credit be given? Moreover, endowment, on the same scale as King's College, will be found impracticable, or, if not so, destructive alike to learning and to the public peace. . . . The characteristics of this Scheme are impracticability, or, if not so, waste and ruin to the cause of Science and public concord.

*Secondly*,—The Legislature may divide the Endowment of King's College among the various parties interested in University Education. The characteristics of this Scheme are, as of the former, destructive to University Education and social peace.

*Thirdly*, it may expel the Theology and Worship of the Church of England from the University, going no further. Of this plan, the characteristic is the reduction of the University to. . . . [possible] infidelity† and utter uselessness, and its conversion into an unfading apple of discord.

*Fourthly*, Our Legislatures may adopt the system of incorporating into the publicly endowed University, Colleges, which will ensure the support of the University by every Religious Denomination in the land,—which will induce them to commit their youth to it,—which will provide for the youth, along with Literary and Scientific instruction of the highest order, the blessings of Religious training,—which will be the means of securing to every Denomination of Christians, interesting itself in the University, a certain minimum of influence, exercised in the most unexceptionable manner,—and, by adopting this scheme, it will not merely hush up dissatisfaction for the present, but by ensuring the training of the best educated youth of all Religious Denominations in one Seminary, will lay,—broad and deep,—the foundation of social blessings hitherto unknown amongst us. (Pages 34-35.)

In a Letter from Mr. Private Secretary Higginson to Doctor Ryerson, dated the 27th of January, 1845, he says:—

The general outline of the University Bill has been determined upon, videlicet: to strike out of it the provision for the Divinity Chair in King's College; to abolish in it the office of President; and to endow, with not more than One Thousand pounds, (£1,000), and not less than Three Hundred pounds, (£300), per annum, according to the number of students on the Books,—the Theological Colleges of every Religious Denomination that obtains a Charter,—leaving the internal discipline and Regulations of each College entirely to itself,—with power to each College to grant Divinity Degrees, which are to be declared to have the same effect as if conferred by the University. The Council of the University is to be formed of the Principal of each College and of Upper Canada College, of a Vice-President and the six Queen's Bench Judges. The Governor General is to be Visitor, and the Chancellor is to be elective semi-annually by Convocation.

Such are the heads of the plan of "University Reform," which I hope and trust will satisfy the Country, and that the agitation on the University Question may be set at rest for ever.

MONTREAL, 27th of January, 1845.

J. M. HIGGINSON.

\*In the course of his criticism on the Baldwin University Bill of 1843, Mr. Campbell points out, that several objections "most deserving of notice were, last year, published by the Trustees of Queen's College at Kingston." (Page 29.) For this criticism, see pages 13, 14 of this Volume.

†Like Doctor McCaul, Mr. Campbell speaks of "infidelity" as a possible contingency of his alternative plan. (See note‡ on page 225, ante.) The idea in both cases is unjust and purely imaginative.



## CHAPTER XXIII.

## PROCEEDINGS RELATING TO KNOX COLLEGE, TORONTO, 1845.

*June 4th, 1845.*—At a Meeting of the Synod of the Presbyterian Church in Canada, held this day at Cobourg, the Reverend Doctor Robert Burns, Professor-elect of Knox College, was chosen Moderator of the Synod.

*June 5th, 1845.*—The Synod called for the Report of the Committee on the Theological Institution, when the same was given in and read. The Synod unanimously sustained and approved of the Report, and resolved,—in terms of recommendations made on the 11th of October, 1844, respecting the Professors,—that the appointment of the Reverend Doctor Robert Burns, as Professor of Divinity, be declared to be final; and that the appointment of the Reverend Henry Esson, M.A., as a Professor of Literature and Philosophy, be also confirmed.

The Synod appointed the following Committee, to be known by the name of the College Committee, as recommended in the Report on the Theological Institution, with authority to carry into effect the various recommendations of that Report, specially those which respect additional Professors and the course of study, videlicet, the Reverend Messieurs William Rintoul, (Convener), Alexander Gale, James Harris, Mark Y. Stark, John Bayne, George Cheyne, Thomas Alexander, Ministers; and Messieurs James Paterson, James F. Westland, Andrew Jeffrey, and John Redpath, Elders. The Professors and Treasurer of the Theological Institution to be Members of this Committee, *ex officio*s.

On motion made and seconded, it was unanimously agreed that the thanks of the Synod be tendered to the Theological Committee of last year, for the great pains they had bestowed in superintending the Seminary during its first Session. The Reverend William Rintoul suitably acknowledged the vote.

At the Evening Session, the Reverend Professor Esson delivered an address on the course of Preparatory Study for the Ministry, and the nature of the Educational Institutions required by this Church in the present circumstances,—after which the Reverend Mark Y. Stark, having taken the Chair, Doctor Burns delivered an address on the different branches of Theology, and the most efficient modes of prosecuting the study thereof.

In the Life of the Reverend Doctor Robert Burns, by his Son, is the following Letter relating to arrangements for Knox College in 1845, written to the Knox College Committee, by Doctor Burns from Hamilton in September, 1845:

The Reverend Alexander Gale, at my request, agrees to take charge of the Students for one month, and to reside at our House, where the Students will meet with him for at least three hours a day, for exercises in Languages and Philosophy. Mr. Gale is well qualified in every way for this work, and I hope that the young men will profit much under his tuition. I need scarcely say that we rely on your paying all attention to Mr. Gale's comfort."

HAMILTON, September, 1845.

ROBERT BURNS.

The Biographer of Doctor Burns says:—We were privileged to enjoy the teachings of that amiable and accomplished man (Mr. Gale,) with the little band that had gathered some weeks before the commencement of the Session in the humble tenement in James Street, Toronto, which formed the cradle of Knox College. His fatherly counsels, and the exercises upon "Watts on the Improvement of the Mind," and kindred text-books, were of lasting benefit.

In those days, when Upper Canada College was largely under High Church influence, and our Public School System was but in its infancy, feeling the importance of a preparatory School as a feeder to the College, Doctor Burns strongly urged the establishment of such an Institution; Toronto Academy was the result. He drew up the Circular regarding it, and acted as Chairman of the Board. Mr. Gale was made Principal of the Academy, and Professor of Classical Literature in Knox College. Associated with him were the late Reverend Thomas Wightman and Mr. Thomas Henning. Both boarding and day Schools were conducted with distinguished ability, and proved a great blessing.

When the public Educational Institutions were placed on a footing, in accordance with the views of our Church, the Toronto Academy, which had satisfactorily served its end, was discontinued.

In the higher female education, Doctor Burns also felt a deep interest. He prevailed on Christian Ladies of sound principles to open Seminaries, which might be an offset against those well-known establishments to which parents of lax notions are too prone to send their daughters at an age when the character is most susceptible of impressions, and the mind receives a set . . . (Mrs. Henning, Sister of the Honourable George Brown, kept one of these Seminaries in Toronto.)

Doctor Burns served in the College till the arrival of the Reverend Doctor Michael Willis, as permanent Professor and Principal. His prelections embraced Church History and the Evidences of Christianity, with occasional Lectures in cognate Departments. He had a good deal of "grinding" to do in the elementary branches, and was ready to set his mind in any direction where he felt there was a want. On the matter of "preparatory training" Doctor Burns laid great stress. . . . During Doctor Willis' incumbency, Doctor Burns, at intervals, in those days, rendered efficient aid as an occasional Professor. . . . (Pages 246-248.)

The Reverend Doctor William Reid, in his historical paper, read at the Jubilee Services at Knox College, in September, 1894, said :—

The Reverend Doctor Michael Willis, of Glasgow, who was in the Country as Deputy from the Free Church, taught Theology in the Session of 1845-46, while Doctor Burns conducted the Church History Class, and the Reverend William Rintoul, of Streetsville, gave instruction in Hebrew. . . . The Reverend Alexander Gale, formerly of Hamilton, and who had been appointed Principal of the Toronto Academy, . . . gave instruction in Classics, in which Department the Reverend John Laing—now Doctor Laing, of Dundas—also gave instruction. The College was transferred to a House on Front Street, now included in the Queen's Hotel.

## CHAPTER XXIV.

### DOCTOR RYERSON'S EDUCATIONAL TRIP TO EUROPE IN 1844, 5.

The Reverend Doctor Ryerson, having personally delivered his Letter of introduction from Sir Charles Metcalfe, the Governor-General, to Lord Stanley, the Secretary of State for the Colonies, as given on page 120 of this Volume, wrote the following Letter to Lord Stanley :—

I propose, in the course of a few days, to go to the Continent, and I take the liberty of soliciting from your Lordship the favour of a General Letter, on the presentation of which to the Representatives of the British Government in the several Countries that I shall visit, I may obtain their countenance and suggestions in prosecuting the principal object of my educational enquiries.

I suppose it would have been more proper for me to have applied to the Secretary of State for Foreign Affairs, on this subject ; but as I did not bring any letter of introduction from Sir Charles Metcalfe, the Governor-General, to the Earl of Aberdeen, I take the liberty of applying for such a Letter, through your Lordship. . .

LONDON, January the 27th, 1845.

EGERTON RYERSON.

In another Letter, Doctor Ryerson stated that :—

In response to this Letter the Earl of Aberdeen, the Secretary of State for Foreign Affairs has kindly, at Lord Stanley's request, furnished me with a Letter of introduction to each of the British Ambassadors at the Courts of the Countries which I may visit—including those of Holland, Belgium, France, Naples, Florence, Sardinia, Switzerland, Wurtemberg, Bavaria, and Prussia.

When I applied for a Passport to Lord Aberdeen's Private Secretary, instead of charging me the usual fee of Two Pounds Seven Shillings, he had it filled up, signed by Lord Aberdeen, sent a Messenger and got it countersigned by the Foreign Ministers of the Countries above mentioned, including the Austrian Minister. By such kindness and countenance I have no obstruction in

my journeys ; and in the Metropolis of each Country that I visit, I readily obtain introductions to the men, from whom I can derive the most assistance in promoting the objects I have in view, and from them to others. I have also been favoured with several very serviceable private Letters of introduction

E. R.

To these Letters, Mr. Private Secretary Higginson replied as follows :—

I have had the pleasure to receive and lay before His Excellency both of your very interesting Letters, and to communicate them to the Members of the Executive Council. I have no doubt but that the result of your devoted and able exertions in the noble educational cause, in which you are engaged, will prove highly beneficial to the present, and, in a still greater degree, to the future interests of this great and rising Country. Your interview with Colonial Secretary, Lord Stanley, appears to have been very satisfactory : His Lordship is warmly interested in every thing tending to promote the prosperity of Canada, as you must have discovered.

MONTREAL, February, 1845.

J. M. HIGGINSON.

### DOCTOR RYERSON ON THE SCHOOLS OF THE CONTINENT OF EUROPE IN 1845.

In a Letter from Amsterdam, Doctor Ryerson said :—

From this Letter you will see that I am in Holland, which the Secretary of the Privy Council Committee of Education in London has termed “ the best instructed Country in Europe.” Holland is not a very cheap Country either to live, or travel, in ; but it is remarkable for the cheapness, the variety, the extent and the efficiency of its Educational Institutions. The face of the Country presents the personification of human industry, perseverance and skill ; and its very numerous well-managed Benevolent Institutions, as well as Universities, Gymnasias and Elementary Schools, furnish the noblest monuments of intelligence and charity. We might well congratulate ourselves in Canada, could we but approach a respectful distance the ingenious, laborious and economical, yet generous, Dutchmen of this Country in our Public Institutions for the intellectual development and elevation of our rapidly increasing population. One Free School at the Hague, containing 1,050 pupils, cost the State (including all the Books, Stationary, etcetera, used in the School, as well as Teachers, fuel, lights, etcetera, 3,000 Guilders per annum—that is, Two Hundred and Fifty pounds (£250) sterling—a Guelder being one shilling and eight pence. In Leyden, in past ages the Athens of Northern Continental Europe, in whose famed University, Scaliger and Arminius, Descartes and Boerhaave, and a large number of other illustrious men were Professors.

I found the instruction of 3,000 poor children amply provided for at an expense of Nine Thousand guilders ; that is, Seven Hundred and Fifty Pounds (£750). These examples are below the average expense of popular instruction in Holland ; but they show what can be done by men who are compelled, by the nature of their country, to work hard for their money, and who know how to apply it. I have never witnessed such quietness, order and attention in Schools, as in those of this Country which I have visited ; yet a law exists here prohibiting any School Teacher, Public or Private, from using the rod to his pupils. The sort of feeling which pervades both parents and children—the sort of influence which constitutes the mysterious power and mainspring of government in these Schools—may be inferred from the fact, of which I have been assured by more than one Inspector and Head Master, that the punishment felt by delinquent pupils to be the most severe is the prohibition of them from coming to the School for a shorter, or longer, period. The government of the heart, by the heart, as well as by the head of the Master, is substituted for that of the rule and the raw-hide. Whether the whipping abolition law of Holland be not an extreme act of legislation, I will not take upon me to say ; but the law itself, and the facts, to which I have referred, are interesting phenomena in the School history of the present age.

We left Amsterdam in the rail train for Leyden. . . . On our way we stopped, and walked about two miles to visit the School of Doctor de Raadt, one of the most literary and scientific men in Holland. He keeps a select Classical School for the youths of the highest class of gentry and nobility. It is called the first school of the kind in Holland. Doctor de Raadt had written on the former School System in the Country. He had visited England, and spent much time in examining English Schools. He speaks excellent English : and received us most courteously,—explained at large what he conceived to be the characteristic differences between the Dutch and English Schools. He showed us his whole Establishment—unrivalled, it is said, throughout the Netherlands for elegance and completeness. On leaving, he accompanied us some distance, and furnished us with a Letter of introduction to the Government Inspector of

\* In the “ *Journal of Education for Upper Canada*,” for July, 1849, Doctor Ryerson has given a summary sketch of the State of Education in Holland.



Schools at Leyden. At Leyden we delivered a Letter of introduction to the Professor of Medicine in the University, and called and left the one for the Inspector of Schools. In the mean time we visited the Senate Chamber, Lecture Rooms, etcetera, of the University. The venerable Inspector of Schools called upon us afterwards at the Inn—took tea, and spent the entire evening, with us,—explaining every part of the Netherlands Educational System, and giving us the history of it,—he having been an active party in promoting it from the beginning. In the morning he called upon us and placed himself and a carriage at our service. With him we visited six Schools, witnessing their operations, and the working of their machinery,—receiving every needful explanation. We afterwards visited the Museum of Natural History, Library, Gardens, etcetera, and in the afternoon went to Haarlem, where there is the principal Normal School of Western Holland. Mr. Prinsen, the Principal of this School, is the Father, and, by the appointment of Government, stands at the head of the Normal School System of Holland. He himself told us that his business, for forty-four years, had been to “make School Masters.”

Mr. Prinsen then enquired the precise points on which we desired him to speak ; and I only wish that every School Master in Canada could have heard him. The name of this remarkable man is elaborately noticed by several of the most eloquent French Educational Writers as well as by some English writers.

I may say in brief that, on my way to Europe, I spent a day in visiting some of the principal Public Elementary Schools in New York, and received much information and kindness from the Superintendent of Schools and the Secretary of the Public School Society in that City, as also Reports and other Documents on Schools in the State of New York ; . . .

EGERTON RYERSON.

AMSTERDAM, 25th of February, 1845.

### SYSTEMS OF EDUCATION AND SCHOOLS ON THE CONTINENT OF EUROPE.

The following Letter was addressed by Doctor Ryerson, to Mr. Private Secretary Higginson, from Paris :—

Since I last wrote to you, I have made the tour of Holland and Belguim, and my expectations were far exceeded by the state of the popular Systems of Education and Schools, in those Countries,—especially in Holland. The information I acquired there will be of the greatest service to me. What one reads in books conveys no perfect idea and gives no practical knowledge of the working of such Educational Systems, in which there are numerous circumstances and influences operating, which cannot be inferred from the Laws, or reflected in Books.

#### FRANCE—ITS GOVERNMENT AND ITS EDUCATIONAL INSTITUTIONS IN 1845.

This is preeminently the case in respect to France—the most important and useful School of Instruction, into which I have yet entered in respect to the leading object of my inquiries. The French are the Yankees of Europe. They are resolved to “go ahead,” of every other Nation, in respect to things popular, practical, economical and beautiful. The Revolution of 1830 was based upon Republican principles. France was thenceforward to be a Monarchy, surrounded with Republican Institutions, as Louis Phillippe expressed himself to Lafayette. Yet a Monarchy, more absolute than that of England, practically exists ; and the most powerful agent by which this extraordinary anomaly is continued is the Educational Machinery of the Country,—from the University of France, down to the Primary School. It is an influence felt to the extremities of the Kingdom, and amongst all orders, yet popular, transferring a wonderful power from the Priesthood to the Throne. . . .

The problem which Louis Phillippe is solving, of governing a restless people upon even popular principles, and yet strengthening the Throne, suggests much of great importance in respect to Canada.

#### AMERICAN AND EUROPEAN SYSTEMS OF SCHOOL ADMINISTRATION CONTRASTED.

In the United States of America, the popular systems of European Education have been introduced ; but there it has been wholly severed from the supreme, and, to a great extent, from the State Executive Government ;—it does not contribute, in the least, to strengthen the Executive Government ; but, on the contrary, here, the system of Public Instruction, in its every link, is connected with the Executive Government, and is its most potent agent of influence and power over the popular mind.

## THE CASE OF UPPER CANADA—ITS SYSTEM, AND WHAT IT SHOULD BE.

In such a Country as Canada, where the conservative elements are comparatively few and feeble, the fundamental principles of the System of Public Instruction are of the gravest importance, and the idea that I have here hinted, forms, I perceive, the essential, (and a most essential,) difference between the principal University Bill of Mr. Draper, (1845) and that of Mr. Baldwin, (1843)—though it has not been noticed in the newspapers which I have seen.

My leading idea has been,—as I have more than once expressed it to His Excellency Sir Charles Metcalfe and yourself,—not only to impart to the public mind the greatest amount of useful knowledge, based upon, and interwoven throughout with, sound Christian principles, but to render the Educational System, in its various ramifications and applications, the indirect, but powerful, instrument of British Constitutional Government.

## GENERAL OBSERVATIONS ON EUROPEAN SYSTEMS OF GOVERNMENT AND EDUCATION.

I have found by observation and research, so far as I have yet travelled, that my anticipations as to the importance of such a tour were not fanciful. On the spread of popular and even democratic principles throughout Central and Western Europe, at the time of, and after, the French Revolution, aided by the professed objects of Napoleon, and, by reason of the American Republic, it became manifest to the European Sovereigns that they could not retain even their Thrones, much less their absolute power, without rendering it a greater benefit to their subjects than would be derived from the recognition of popular theories of Government.

Prussia took the lead; the King of Bavaria soon followed, and is now rivalling his Royal Brother of Prussia. The Emperor of Austria is pursuing the same career, especially in Lombardy, where, as the Secretary of the Committee of the Privy Council of Education\* informed me, that I would find Schools which would amply reward an examination, and that I ought not to overlook them. The Emperor of Austria, in the Provinces bordering on Prussia, is scarcely excelled by William Frederic himself. Holland is but little behind Prussia; and it is astonishing to see what has been done in Belgium during the last ten years. And Louis Philippe is, of course, in advance of his son-in-law of Belgium. The effect of all this, on the public mind of the Continent of Europe, is almost incredible, so far as I have yet learned. We have been accustomed to suppose that democratic principles of Government were spreading in Europe. That has been the general strain of remarks in the publication of Travellers, . . .

Republican Switzerland,—enlightened and intellectual, as it is—is at present practically the worst Government, and the most distracted Country in Europe.

In the Diligence from Lille to Paris, I was struck with the strain of a lengthened and animated conversation between two Frenchmen, evidently of the business and popular class of the community. Both of them had been in Prussia, and one of them had been two or three years in Russia. The substance of their conversation was, the superior excellence of the Prussian and Russian Governments to that of the French! And I have reason to believe that the same feelings and sentiments are widely diffused, and becoming more so every day. These comparatively absolute Monarchs have not contented themselves with relying upon arms for the safety of their Thrones, and securing life and property, but while they have improved their civil codes, and the administration of them in every respect, they have placed themselves at the head of the Commerce, the Agriculture, the Manufactures, and the Education of their respective Kingdoms. They have, in effect, as it were, become Educators, Merchants, Tradesmen, and Farmers; and then, have increased the security and strength of their own power nearly in the same proportion as they have advanced the interests of their subjects.

This is clearly Sir Robert Peel's Policy, under different circumstances, in England, . . . Not a question of commerce, or finance, or law, or social or intellectual advancement, or association, or foreign, or domestic policy, that can be mooted by the sharpest man in Parliament, but Sir Robert gives evidence that it has not escaped his attention . . . And it is clear that in Commerce, Collegiate and Popular Education, he would go much further than he does, were it not for vested, and long acknowledged rights; . . . Mr. Draper, after many delays and reverses, is beginning to acquire, in Canada, Sir Robert Peel's position. It was the conviction that such was the substratum of his views of policy which has induced me, in past years, to show him more respect and consideration than I have any other Canadian politician; . . . and it will be my ambition and effort to be in advance of my adversaries in every thing that may minister to the improvement, and gratification, and occupation of the popular mind.

## PHILOSOPHICAL REASONS FOR A THOROUGH AND EXTENSIVE STUDY OF SCHOOL SYSTEMS.

From the above remarks it will be readily perceived that the mere details of the School Room—its Construction, Apparatus, Arrangements, Teaching, etcetera, though important,

\*Doctor, (afterwards Sir,) J. P. Kay Shuttleworth.

and though I find something new and worthy of note in almost every place I visit,—form but the minor subject of my present inquiries and observations. These, from their very nature, cannot be made in a day ; nor can they be judged of by passing through a School Room, but by various conversations, as well as reading, and observations of the peculiar connection of the whole system with, and its influence upon, the thinkings and feelings of the public mind, and the other various parts of its Governmental machinery, combining to produce the general results, and the connection of these with other branches of public policy. . . .

(NOTE.—Doctor Ryerson then points out that more time would be desirable to enable him to deal with these subjects, and asks for an extension of leave for two or three months.)

Having acquired a knowledge of French, I have now a very earnest desire to devote a few weeks to laying the foundation of such a knowledge of German, as will enable me to read and translate German Authors.

#### AMERICAN STATE SYSTEMS OF EDUCATION CHIEFLY DERIVED FROM EUROPE.

The public reasons which prompt to this are the following :—I have found that all that is most attractive and valuable in the best Schools in the United States, and in the best School Books they have, and their best publications on School Teaching, etcetera, has been borrowed from the Continental Schools of Europe, and from French, Swiss and German Authors,—French editions of some of whose school publications I have seen. They are excellent.

The American Writers present their works to the public as original, except acknowledging in the preface, that several useful thoughts have been suggested by such and such, or, by some German Authors ; when the only thing properly American is the translation, and the omission of European local, and the substitution of American local, applications !

Now, we may confer some of the same advantages upon the Canadian public, without having such works modified and poisoned by the incorporation of American republicanism. I have found nothing of any importance in American Schools and Books and Apparatuses, etcetera, which I have not found here in Europe.

There is another topic connected with this subject, which I wish to submit. In some of the Schools of New York and Boston, which I visited, I found very convenient Apparatus and Models for teaching,—which, in the United States, and in Canada to some extent,—is placed to the credit of American intelligence and ingenuity, as developed by Republican Institutions.—But they are copies of originals which I have met with in countries,—of which the Americans consider themselves much in advance. Now, we can have the same thing, in as good style and as cheap, made by our own Carpenters, Bookbinders and Printers, if they had the Models—and thus have them Canadian, and not American.

I earnestly beg that the Executive Council—as I have no doubt of His Excellency's wishes in the matter,—will consent to place at least One Hundred Pounds (£100.) at my disposal in London to procure these School Models. They are for the most part as simple and as cheap as they are admirable. If His Excellency will bring it under the notice of the Executive Council, I have no doubt but that the Members will accede to it. Most of these improvements have been introduced into the English Normal and Elementary Schools.

EGERTON RYERSON.

PARIS, April the 30th, 1845.

To this Letter, Mr. Private Secretary Higginson replied as follows :—

I am desired by the Governor General to acknowledge the receipt of your long and most interesting Letter from Paris of the 30th ultimo, communicating the progress of your Mission, up to that period, which cannot be considered otherwise than as very satisfactory ; and, it is to be hoped, that your unwearied exertions in the cause, in which you are engaged, will be as highly appreciated by the Province as they deserve.

The only points in your Letter which seem to require immediate notice are your application for an extension of leave of absence for two, or three, months, and for authority to expend One Hundred pounds, (£100) to procure specimens of School Apparatus ; both of which, the Governor General and the other Members of the Government readily accede to. I enclose an additional credit on Messieurs Cockrill and Company, for the sum mentioned.

J. M. HIGGINSON.

MONTREAL, May the 27th, 1845.



After visiting the Educational institutions of Holland, Belgium and other Continental Countries in Europe, Doctor Ryerson returned to Paris: and, in order to obtain the necessary facilities in that City, and in France, for the object he had in view, he called upon Lord Cowley, the then British Ambassador in Paris, and presented Lord Stanley's Letter. After which he wrote to Lord Cowley the following Letter:—

In accordance with your Lordship's suggestion yesterday, I have the honour to state, that, having been authorized by Sir Charles Metcalfe, the Governor General of Canada, to proceed to Europe, with a view of acquiring all the information possible respecting the Systems of Public Instruction in England, France and Germany, and any other Countries which I might think proper to visit, in order to introduce an improved system of Education in Canada, including a French, as well as English, population, I am anxious, in addition to Governmental permission to visit the Public Schools, and to procure any Reports, Documents and Publications, which have been put forth here, under the auspices of the French Government on the subject of Public Education, and which may be at the disposal of the Minister of Public Instruction.

My inquiries extend from the Elementary Schools up to the University,—including the whole System of Public Instruction.

I shall be greatly indebted to your Lordship, if you will have the kindness to apply to the proper authority, on my behalf in this respect.

I forgot to place in your Lordship's hands yesterday the General Letter which was furnished me from the Privy Council Office of Education in London, in respect to my educational enquiries in England. I take the liberty to enclose it now, for your Lordship's perusal,—requesting that it may be returned, (with the papers which I had the honour to leave with your Lordship yesterday.)

I may add, that I have been furnished by the British Government with the various Parliamentary and other Public Documents relating to the subject of Education in England and have been assured that the same would be granted to me in Belgium, when I should apply for them, on my return through that Country.

EGERTON RYERSON.

PARIS, 2nd of May, 1845.

ENCLOSURE: *General Letter from the Privy Council Committee on Education in England.*

The Reverend Doctor Egerton Ryerson, having been appointed by Sir Charles Metcalfe, Governor General of Canada, Superintendent of Education for Upper Canada, I have instructions from the Secretary of State for the Colonies, to procure for Doctor Ryerson, all proper facilities during a tour which he is about to make in Great Britain and Ireland, for the purpose of obtaining information to enable him to perform his duties in Canada with greater confidence and success.

For this purpose, Doctor Ryerson is desirous to visit the several Normal and Model Schools, and the most notable elementary schools, as well as public foundations for the instruction of the middle and poorer classes in this Country.

I have, (in order to facilitate Doctor Ryerson's proceedings) given him a list of the most marked of these Schools, believing that the object of Doctor Ryerson's visit will, with this authentication of his intention, procure for him immediate admission into these Schools upon the presentation of this Letter to their Principals and Managers.

It is my duty, at the same time to say that Doctor Ryerson will owe his admission to the Schools solely to the courtesy of the Trustees and Managers of these Schools who may thus evince their disposition to promote the extension and improvement of Education in Her Majesty's Colonies.

J. P. KAY SHUTTLEWORTH, Secretary.

LONDON, December the 5th, 1844.

(NOTE.—Doctor Ryerson was abundantly supplied with a number of Reports and Documents relating to Education in the various Countries which he visited. He also procured in Paris a set of the works of the best known French Writers.)

\*This General Letter of Introduction to English Public Schools and Educational Institutions in England was written at the request of Lord Stanley, the Secretary of State for the Colonies.

In October, 1845, Doctor Ryerson wrote to the Governor General's Private Secretary an account of his visit to various Educational Establishments on the Continent of Europe. This Letter was acknowledged as follows:—

I have the pleasure to receive and to read to the Governor General, and, by his order, to communicate to the Members of the Executive Council your most interesting reports of your proceedings, dated from Munich and Cologne.

I assure you that it affords His Lordship much satisfaction to have been enabled to place within your reach facilities for obtaining so much instructive information upon a subject of such vital importance to the future prosperity of Canada, in which he will never cease to feel the deepest interest.

MONTREAL, October the 23th, 1845.

J. M. HIGGINSON.

The following Letter from Doctor Ryerson contains a comprehensive review of his enquiries and labours, in obtaining full information in regard to the actual condition and special characteristics of Systems of Education, Training Schools for Teachers, and other particulars in regard to Scholastic Institutions in Europe:

I arrived in London on the 28th ultimo, after an absence of eight months. During that time, I have been in the Territories of more than twenty different Governments; have visited twenty-one Universities, enquiring into their character, management, etcetera; procuring the Programmes and Regulations of most of them, and the Statutes and Charters of several of them; having visited about two hundred other Educational Establishments, including Colleges, Polytechnic, Normal, Gymnasial, Regal, Higher, Middle and Lower Burgher, Superior, and Primary Elementary Schools; also Trade, Agricultural, and Infant Schools; and have collected some three hundred Documents and Books relating to those Institutions.

I have also had the opportunity of conversing with Professors, and some of the principal Educators in Holland, Belgium, France, Italy, Austria, Saxony, Prussia, Bavaria, Baden, Switzerland, and some less important States. I have been enabled to visit the principal Museums, Galleries, Libraries, etcetera, of the several Countries, through which I have travelled, and have been compelled to apply myself, more, or less, to three different languages, in order to acquire the information which I desired, and which I was determined to obtain.

For these facilities I am indebted, in the first instance, to the Letters of introduction which the Earl of Aberdeen, Foreign Secretary, (at Lord Stanley's request), furnished me with, to the British Ambassadors in the several Countries which I have visited, and, from whom I have received every possible attention and assistance in my inquiries. Amongst the numerous Professors, Directors and Teachers in the various grades of Schools that I have visited, I have not met with one who did not only express, but evince a pleasure in giving me every information in his power.

The Prussian Minister of Public Instruction,—to whom I was introduced by the British Ambassador, (the Earl of Westmoreland),—not only gave me information on points which I could not obtain from other sources, but gave me a General Letter of introduction to all the Heads and Officers of Educational Institutions throughout the Kingdom of Prussia, and furnished me with a manuscript copy of the last Letter of Instruction sent out by the Prussian Government to the Heads of Departments of Education throughout the Prussian Dominion,—a Document occupying nearly fifty pages of foolscap, and containing a commentary on the design and spirit of the Prussian law relating to Primary and Secondary Instruction, and pointing out and correcting the defects in their application, which had come to the knowledge of the Government. The Prussian Minister of Public Instruction, (Doctor Eichorn), did all this with the cordiality and kindness which I can never forget, and his conduct is but a specimen of the courtesy which I have experienced from similar Heads of Departments in other Countries, and from the Heads of Colleges, and various orders of Public and Charity Schools at Rome, Naples and Florence.

In Italy, I had a panoramic view of the world's history, in its antiquities, sculptures and paintings, but was also enabled to observe, and, to some extent, study, the peculiar Educational Institutions of that remarkable Country. My plan of proceeding throughout my continental tour, in reference to the immediate objects of my travels, has been as follows:—

1. To obtain all the information I could collect from Books, which I had procured, respecting the Educational Systems and Schools of the Countries and Cities which I was visiting.

2. To present my Letters of introduction, and to collect more minute and practical details from School Directors, Professors, Teachers and others.

3. To visit and examine the Interior Arrangements, Government, Teaching, Apparatus, etcetera, of the Educational Establishments themselves.

4. Then to procure the Educational Programmes, Rules, or Statutes, Reports and best accounts of those Establishments, and of the General System of Instruction adopted therein.

By this simple method, I have been enabled to proceed, without any loss of time, and without being confused, or confounded, by the multitude of objects which have come under my observations,—and to classify, and then make a commencement towards digesting the information which I have acquired. I have adopted a similar arrangement in regard to other subjects, which have occupied a portion of my attention, relating to the Government, Institutions, Customs, Churches, Morals and other matters, of the principal Countries of Central Europe.

In the course of my journey from Naples I proceeded by steamer to Leghorn; thence by coach to Pisa and Florence,—the quiet and lovely paradise of Continental Europe; and where one witnesses the most liberal, and, perhaps, the best despotism in the world; as also the best collection of the fine arts, out of Rome; an industrious, comfortable and happy peasantry, presenting a striking contrast to the poverty, laziness, and unprincipled meanness of the Roman and Neapolitan Italians. Such is the influence of the administration of a Government on the character and condition of a people, even where the same theory of government, and the same Religious system prevails.

From Florence, I crossed the Appenines to Bologna, Ferrara, Padua, and Venice; each City and Institutions presenting a prominent feature of individuality, and the last mentioned a marvel indeed in the history of man,—exhibiting alike his greatness and his littleness, his glory and his humiliation.

I proceeded from Venice to Verona; thence up the valley of the Adige River, crossing the Tyrolese Alps by the Brenner Pass to Innsbrück, Capital of the Tyrol,—a journey rich in the sublimities of nature, and in the heroic deeds of an unconquered people; a people who are as industrious and honest, as they are physically powerful and courageous, and who, as hunters and marksmen, are the “Kentuckians” of Europe.

Proceeding from Innsbrück to Munich, I paused at that modern Athens of Southern Germany upwards of a fortnight, and had an opportunity of witnessing the annual examinations of several Gymnasias and Schools, and of conversing at length with the Directors and Teachers. After going to Augsburg, I proceeded from Munich to Ratisbon by coach, and thence by steam down the Danube to Vienna,—the most beautiful and gayest Capital in Central Europe. Its University and Polytechnic and Normal Schools are noble structures, as well as celebrated Institutions; but beyond the walls of this splendid City there is little in Austria which can afford a useful hint in reference to the cultivation of the human intellect.

From Vienna, I came by railroad, (the second day it was opened,) to Prague, the Capital of Bohemia, the natural situation of which rivals in beauty and magnificence any other City in Central Europe; and the historical monuments, and the heroic deeds performed in the neighbourhood of which, yield in interest to few others, which history records. In the Library of its ancient University, I saw several curious momentos of John Huss, and other Reformers.

From Prague I descended the River Elbe by steam to Dresden, the Capital of Royal Saxony; and here I began to see that what I had read of the excellence of the German Schools was no exaggeration, as I was enabled to learn more perfectly the following week at Leipsic, where I found a perfect System of Schools,—leading the one to the other, from the School of the Infant up to the University, and providing for a Mechanical, Agricultural and Commercial, as well as an Elementary and Scholaristic Education,—a system, from the beginning to the end, parental, harmonious and complete. The amplification and adaptation of such a System to our Country's wants is what Canada requires, and which will, in its results, develop our Country's resources, and raise us, as a people, to a high point of civilization.

Half an hour, by railroad, brought me from Leipsic to Halle, (in Prussia,) where the entire System of Prussian Schools may be seen in miniature, there being seven Schools, in order, on one foundation under one Director, and containing nearly three thousand (3,000,) pupils; some of them from England, and other distant Countries. The able and amiable Director showed me the same kind and assiduous attentions as had the learned and excellent Directors of the Public Schools of Dresden and Leipsic, in the Kingdom of Saxony, and furnished me, in addition to various printed Documents, with a written statistical statement of this wonderful concatenation of Schools,—all forming one Establishment, and opening into the same Square, and comprehended in the same pile of Buildings.



At Berlin I have visited a great variety of Educational Establishments, as also the great Protestant Normal School, and the higher and little Burgher, (Citizen,) Schools, and the vast military Orphan School, at Potsdam,—the Versailles of Prussia,—and had much conversation with some of the most celebrated Educationists in Prussia.

From Berlin, I passed by railroad through Brunswick to Hanover. . . . In the Palace of this ancient inheritance of the Royal Family of England, I found many objects of interest, and, in the City, some excellent Schools. I came from Hanover by coach to Cologne on the Rhine; and, after having collected what information could be obtained in that City, I spent part of a day in an excursion to Aix-la Chapelle; and then visited the great Roman Catholic Normal School at Bruhl, where a peculiar pleasure seemed to be experienced by the amiable Inspector, in the absence of the Director, to show me every part of the Establishment, and to answer all my inquiries.

I afterwards visited the noble University of Bonn; a University which has been established by the present King of Prussia, (in 1818,) and which holds the first rank amongst the German Universities, both from the celebrity of its Professors, and the efficiency and excellence of its discipline. There is, in this University, both a Roman Catholic and Protestant Faculty of Theology. His Royal Highness Prince Albert was educated here, and Her Majesty the Queen visited it during her recent tour in Germany. I obtained a copy of the Charter, Statutes and other Documents, as I had done at the celebrated University at Berlin and elsewhere. From Bonn, I ascended the Rhine by a steamer to Mayence; embracing that portion of the Rhine, the scenery and historical reminiscences of which are the most celebrated. From Mayence, I went to Frankfort on the Main, with its Institutions; Hesse Darmstadt, Freiburg, (in the Grand Duchy of Baden,) and its University; Carlsruhe, with its Polytechnic and Normal, and Model Schools; Strasbourg, with several Colleges, and the second Normal School, with Model Schools. The excellent Director furnished me with a manuscript copy of the Course of Instruction,—including a course of Religious Instruction for Protestant and Roman Catholic pupils respectively. The Director himself is a Roman Catholic. From Strasbourg, I proceeded to Basle, Zurich, Berne, Lausanne, Geneva, and several less important places in Switzerland, visiting the Universities, Academies, Cantonal and Agricultural Schools, and admiring its unrivalled scenery. From Geneva I returned to Paris; made a considerable collection of School Reports, Books and other papers on Education; visited several Educational Establishments, both at Paris and Marseilles, which I had not seen, including the very admirable Schools called “*les Ecoles de la Doctrine Chretienne*.”

I ought to add that, on my way to England last year, I received every attention from the Superintendent of Schools in the City of New York, and from the Mayor of Boston; and I have seen but few Schools in Europe superior to some that I have visited in those Cities; but their system of instruction had been chiefly borrowed from Holland and Prussia, as have the most interesting features of the American School Systems generally, and many of their most popular School Books. In Switzerland, I was informed that the System of Education in that Republic was also new, and had been adopted from Germany. But some of the Cantons appropriate one-third of their entire revenue to Education; and punish more rigorously than in Prussia the non-attendance at School of any child in the land, during a period of six years.

LONDON, November the 1st, 1845.

EGERTON RYERSON.

#### NORMAL AND MODEL SCHOOLS IN LONDON, DUBLIN, GLASGOW AND EDINBURGH.

In a subsequent Letter, Doctor Ryerson wrote as follows:—

Since I wrote earlier in the year, I have visited Dublin, Glasgow and Edinburgh, where I had an opportunity of inspecting by far the best Normal and Model Schools which I have anywhere seen, either in England, or the United States of America. The three Normal Schools, with their accompanying Model Schools, which I had visited in London, are excellent, and appropriate to the respective objects of their establishment; but they are by no means so complete in their organization, or so advanced in their operations as is the Establishment of the Irish National Board, in Dublin, which has, I think, the pre-eminence over all similar establishments in the British Dominions. The Irish National Board is not stinted in respect to its resources; it has nearly One Hundred Thousand pounds (£100,000) sterling per annum at its disposal; its Buildings are large and commodious, and the interior arrangements of them, the furniture, Apparatus, etcetera, as complete as can well be conceived. Professor Robert Sullivan, A. M., Barrister-at-Law, is the Head Master, of the Normal School, and possesses a great variety of the rarest qualifications for his important office. The Professor of Natural Philosophy is the Reverend J. W. McGauley—an accomplished Scholar, and a man whom it is really a treat to hear—from the elegant simplicity and correctness of his language, the clearness of his conception, and

the thoroughness of his knowledge of the subjects of his Lectures and Examinations. He has distinguished himself much before the scientific men in Europe, at meetings of the British Association for the promotion of the Arts and Sciences.\* Mr. Sullivan's principal Assistant, and the Master of the Model Schools, Mr. John Rintoul, is from Scotland, and seems to combine the best qualities of heart and intellect for his situation. The Professor of Music has not satisfied himself with the teachings of his native Land, but has availed himself of the instruction of some of the best German Masters. The Master of the Agricultural Model School is a scientific and practical farmer. The Model Farm consists of thirty-two Irish acres. The Master assumes the responsibility of all expenses, being furnished by the Board with nothing but twelve pupils and a few of the farm implements. He pays Two Hundred pounds (£200) rent per annum, and yet secures a net gain, over and above all expenses, of from One to Two Hundred pounds a year. The Agricultural Master takes pupils of his own, besides those furnished by the National Board, and they are sought for with the greatest eagerness by proprietors of the Estates in Ireland. He lectures on agriculture in all its grades, and illustrates his Lectures by the cultivation of his farm. Every kind of work on the farm, even to the milking of the cows and the management of the dairy, as well as sowing, planting, harvesting, and taking care for the Winter of the different kinds of vegetables, (the work in which they were employed when I visited the farm,) all the pupils, in their course of training, are required to perform.

It struck me, whilst, by the kindness of Professor Sullivan, I examined and witnessed the exercises in this National Institution, that, had the National Board searched Europe through, they could not have made a more happy selection of Teachers, to give effect to their benevolent and patriotic views.

I conversed with Archbishop Whately, and other Members of the Board, on the supposed difficulties, as well as advantages of their system. The Irish National Schools are living down the prejudices which were at first excited against them, are rapidly extending their operations in every part of Ireland, and are gradually absorbing all rival Institutions of a similar character.

In respect to the Books published by the Irish National Board, it may not be improper to remark, that those which do not bear the names of their Authors, have been chiefly prepared by Archbishop Whately, by a Presbyterian Clergyman, and by certain Scotch Teachers. I believe the authorship of all the Readers and Books of Religious Instruction is due to the Archbishop and Mrs. Whately. While in Scotland, conversing with one of the ablest teachers there—if not the ablest I have ever met with in any Country—Mr. Oliphant, Master of the Free Church Normal School in Edinburgh, I asked him what series of Elementary School Books he preferred? He promptly replied, the Books published by the Irish National Board; that, although from early use and association, he was attached to Thompson's, yet he had used the Irish National School Books for two years, and preferred them to all others that he had ever seen. The School Books of the Irish National Board are coming into extensive use, both in England and Scotland, as well as in Ireland, published under such auspices, and thus tested and recommended, they may be safely and advantageously introduced into our Canadian Schools. Nor would it cost any one District in Canada more than a Hundred and Fifty pounds (£150) for one year, or Two Hundred pounds (£200) for two years—including passage there and back, and the expenses of a visit to the Schools in Glasgow, Edinburgh and London—to send one of its most promising young Teachers to Dublin to receive a thorough training in that noble establishment of the National Board. The chief hope of the Country, in respect to elementary education, is involved in the training of native Teachers, wherever the first class of them may be taught.

I saw, under somewhat disadvantageous circumstances, the class of Scotch Schools, with which I was more immediately concerned, and to the examination of which my limited time compelled me—as in Dublin—in a great measure to restrict myself. The rupture which lately occurred in

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\* Mr. McGauley subsequently came to Canada, and remained for a time, as a Teacher, in Toronto. In 1857, he opened a Private School in London. Mr. Nicholas Wilson, of London, in his reminiscences of the Schools of that Town, thus speaks of Mr. McGauley:—

Professor McGauley is a man of rare attainments in science and literature. He was the Author of several educational works, and was also a very accomplished scientific lecturer. His School was well patronized, but he kept it open only two years, when he engaged in a manufacturing enterprise which did not prove successful. He was elected School Trustee in 1859; and, in 1860, was elected Alderman for the old fifth ward, which he had represented on the School Board. The same year he returned to Europe, and received an appointment from Lord Palmerston, in connection with the Exhibition of 1861. He subsequently was appointed Professor in a London College; but lived only a few years after his return to the old country. I had the advantage of being intimately acquainted with Mr. McGauley during his residence here, and no one had more cause than I had to regret his removal from London. Soon after his arrival from Ireland he presented me with copies of his works, which I still possess. He was gifted with rare mechanical ability; and could construct and handle complex machinery with the skill of an expert. (See page 119, *ante*.)



the Church of Scotland has extended to the principal Schools which have heretofore been under the direction of the Established Church. There are, therefore, two, instead of one, of these Normal, with the corresponding and depending Model, Schools, in each of the Cities of Glasgow and Edinburgh. Their organization, in their new relation, had taken place within the last six months. The Buildings, etcetera, occupied by the Schools of the Established Church were superior; though those nearly competed in Glasgow, for the Free Church Normal School, are excellent both in the conveniences of their interior arrangements, and in the tasteful elegance of their exterior architecture. The Schools of the Free Church had the advantage of maturity in their organization, as the Head Masters of both Schools, and nearly all the Teachers and Pupils, joined the Free Church; though those under the direction of the Established Church, notwithstanding their newness as to Teachers and pupils, present the practical outlines of a most efficient system of elementary and pedagogic training. Mr. David Stow, the Superintendent of the Free Church Normal School of Glasgow, has long occupied a distinguished place in the first rank of Elementary Education in Scotland, as the honorary Secretary of the Glasgow Education Society, and as the Author of "The Training System of Education, Religious, Intellectual and Moral, as established in the Glasgow Normal Training Seminary," a work of nearly 500 pages. To the Seminary under Mr. Stow's superintendence, the Wesleyan Education Committee in London send their young men to be trained for Teachers of the Wesleyan Schools in England. I saw about twenty of them therein the course of training.\*

But I have, in no Country visited a School, or a complement of Schools, if I may use the expression, the management and instructions of which more deeply impressed me than those of the Free Church Normal School in Edinburgh, under the superintendence of Mr. Oliphant,—the successor of Mr. Wood in the Sessional School,—a School which has long been the theme of the highest praise by all educational visitors to the Northern Metropolis, both European and American. Several months ago, Mr. Oliphant and all the Teachers and nearly all the pupils of the Sessional School joined the Free Church; while the Educational Committee of the Established Church, aided by a Government grant of some Five Thousand pounds, (£5,000,) have erected, near the Castle, most beautiful Buildings, and commenced operations *de novo*, with very favourable prospects, under the superintendence of the Reverend Mr. Davidson, who conducted me through every part of the Establishment, and showed me every possible attention and kindness. The same cordial courtesy was shewn me by Mr. Oliphant, and the part of two days that I spent in the Normal and Model schools, under his care, made impressions on my mind which will never be effaced while memory remains. There was so much of the parental kindness, yet efficiency, of the Holland and German Masters in Mr. Oliphant's government,—so much of Professor Sullivan's versatility and practical talent, in his mode, or rather modes, of communication,—so much piety and attraction, and simple comprehensiveness in his Religious Instruction,—that I could not withhold the expression of my admiration. And I was happy to find, in the course of conversation, that Mr. Oliphant was a friend and admirer of Mr. Sullivan,—that, in fact, they were kindred spirits, as Teachers, though Mr. Sullivan is a Member of the Church of England,—that Mr. Oliphant had visited Holland, and had derived much benefit, as well as pleasure, from witnessing the Dutch system of School Government and discipline in contradistinction to that of the Tawse and the Birch.

#### THE NORMAL SCHOOL AT ALBANY, IN THE STATE OF NEW YORK, 1845.

Having arrived in Albany from Boston, I visited the principal public Buildings of the City, and coming to the place of the old Railway Station, we saw in large letters, on the front of the building—"State Normal School."

We entered, and found, though Saturday afternoon, one of the Teachers giving a lecture on perspective, and illustrating his Lecture by Diagrams and Drawings on a Blackboard, and attended by a large number of interesting-looking young people, of both sexes. The Principal was absent; but two of the Teachers kindly showed us the different parts of the establishment, and answered our several inquiries. There are [in 1844,] no Normal Schools in the United States, except two or three newly established in certain Towns of Massachusetts. This Normal School at Albany had been established since my departure to Europe. We were informed, that, in addition to providing Buildings and a small Apparatus, the State granted Ten Thousand dollars, (\$10,000) per annum for the support of the School—that each young man was assisted to the amount of a dollar a week for a payment of his Board,—(tuition free,)—and each young woman to the amount of a dollar and a half—that the number of pupil Teachers in the establishment was 195,—that they board at private houses, approved of by the Authorities of the School, at an average expense of a dollar and a half a week,—that the pupil Teachers of both sexes were not allowed to

\* It was my good fortune to accompany Doctor Ryerson in his visit to these Schools in Scotland.—J.G.H.



board in the same house, that many of them were assisted by their private friends, or by benevolent individuals, in the neighborhood of their respective residences,—that many of them had been Teachers, and had come there to qualify themselves better for the office,—that the condition required by the State, in order to their receiving its aid and entering the School—a condition from which they would be considered as exonerated, should their health fail, or should they not be able to get employment, or, (in the case of young women,) should they get married. There was also the commencement of a collection in Natural History and of a School Library,—consisting of some three or four hundred volumes,—the whole the gift of individuals. The course of instruction includes the usual branches of an English elementary Education including the elements of Chemistry and of Natural Philosophy, Algebra and Geometry. Drawing and Music. There were no Model Schools for the daily practice in teaching of pupil Teachers—a capital defect, which I pointed out, and which was readily admitted. As a substitute, provision was made for each pupil Teacher, before leaving the institution, to teach for two weeks!

The establishment of such an Institution is a note of commencement on the part of the Government and Legislature of the State of New York. . . .

In the case of the establishment of a Provincial Normal School with us, each District would be expected to send four of its most advanced and promising candidates for teaching, at an expense of, probably not more than Twenty-Five pounds (£25) each. Limiting the course of instruction at first to a year and a half, (the Legislature providing Buildings, and an annual grant of about a Thousand pounds (£1,000,)) Upper Canada might be furnished with fifty or sixty regularly-trained Teachers every year, at an expense of One Hundred pounds (£100,) to each District.

COBOURG, 23rd of December, 1845.

EGERTON RYERSON.

#### DOCTOR RYERSON'S RETURN TO CANADA FROM EUROPE IN 1845.

About the middle of December, 1845, the Reverend Doctor Ryerson returned from his educational trip in Europe and the United States. On his return, he reported himself to Mr. Private Secretary Higginson,—Lord Metcalfe having left for England, and had crossed him on the Ocean. The acting Governor General, in the meantime, was Earl Cathcart. He was succeeded by Lord Elgin. From Mr. Higginson, Doctor Ryerson received the following Letter:—

I, two days ago, had the pleasure to receive your kind and feeling Letter of the 11th instant, which conveyed to me the first intelligence of your return to Canada. It will afford me great satisfaction to communicate to my suffering friend, Lord Metcalfe, the grateful sentiments to which you give expression.

Lord Metcalfe's retirement was, as you justly observe, strictly a providential dispensation. He remained at his post until he was rendered physically incapable of discharging all its varied duties; and he was quite prepared to die at it, in the service of his Country. The terms, in which the Queen's permission to return home, was accorded are, beyond measure, gratifying and complimentary. I shall have much pleasure in reading the Despatch to you the first time we meet.

Of Lord Metcalfe's fearful malady, I can only say that its onward progress seems to be beyond human control, and that I entertain no hope of its being arrested. But the surgical skill of Europe may, and, I earnestly pray to God, will, alleviate the intensity of that distinguished man's sufferings.

The Honourable Mr. Daly, Provincial Secretary, will communicate to you the desire of the Government as to the time of your visiting Montreal.

MONTREAL, December the 18th, 1845.

J. M. HIGGINSON.

The Communication from the Honourable Mr. Daly, to which Mr. Private Secretary Higginson referred in the preceding Letter, is as follows:—

I heartily congratulate you and the Country upon your safe return to your Home.

I waited for a distinct expression of the wishes of my Colleagues, as to your visiting Montreal, or I would earlier have replied to your Letter of the 11th instant. I am now enabled to say, that it is not, at present, considered necessary for you to visit Montreal; at the same time,

I am requested to direct your early attention to the present Educational Law of 1843, with a view to its amendment at the earliest period practicable ;—but, indeed, I feel that it is not at all necessary, from what I know of your own views upon this important point, to urge you in regard to it.

Your disappointment was naturally great at missing the only opportunity that, in all human probability, can be afforded to you in this World of seeing our lamented and excellent Governor General, in his last and most severe sufferings, the greatness of that most inestimable man's character, was, if possible, more resplendent than under the trials to which you saw him subjected. May he enjoy a peaceful termination to his useful career !

We can know nothing certain of his Successor, until the news, of which he is the bearer, has reached England,—his relinquishment of the Government here having been left entirely to his own free will. We had the comfort of knowing how fully his services were appreciated by his Sovereign, and his removal was effected in the most gratifying way by Her Majesty's command.

D. DALY, Secretary.

MONTREAL, 20th of December, 1845.

## CHAPTER XXV.

### PAPERS RELATING TO EDUCATION IN UPPER CANADA, 1845.

On the 9th of January, 1845, a Select Committee was appointed by the House of Assembly "to enquire into the present method of disposing of the Crown, Clergy and School Lands" of Upper Canada, etcetera. The Committee presented its Report on the subject to the House on the 7th of March, 1845.

I have only selected those parts of the Report which referred to the University and School Lands :—

#### MODE OF DISPOSING OF THE CROWN AND SCHOOL LANDS.

The Select Committee appointed "to enquire into the present method of disposing of the . . . School Lands, the amount collected and paid from year to year," etcetera, have the honour to report. . . :—

Number of acres surveyed\* and disposed of for Education in Upper Canada :—

	Acres.
To King's College, Toronto .....	225,944
For the Upper Canada Collège .....	63,642
Reserved for Grammar Schools.....	258,330
	<hr/>
	547,916

*School Lands.* No statement of the receipt, or expenditure, of the proceeds of the Lands of the University and Upper Canada College, Toronto, have been furnished to your Committee.

The amount of money received by the Receiver General on account of the sales of Grammar School Lands, is £22,359, which is invested in Upper Canada Debentures, bearing interest at 6 per cent. Balance on hand.....£288.7.8

NOTE.—The only Return your Committee has obtained of the sales of the above Land is from the Crown Land Office.

From an Examination of the Statutes, 2nd, 4th and 5th Victoria, it would appear that 258,000 acres, forming a part of the original Royal Grant for Schools, had been appropriated in accordance with that original grant, which, by reference to the Despatch from the Duke of Portland, Colonial Minister, on that subject, as early as 1797, (see page 172, *ante*), appears to have been primarily intended for the endowment of Free Grammar Schools, and subsequently for a University, as stated in the preambles of those Acts ; but, from the answer of the Surveyor General, the Grant appears not to be defined with sufficient precision . . .

\*The total number of acres surveyed in Upper Canada, including the Lands surrendered by the Indian Tribes, 18,153,219. Of these Lands 2,407,637 acres were reserved for the Protestant Clergy—"i. e. Clergy Reserves"; Education, 547,916 acres; sold to the Canada Company, 2,484,413 acres; to meet United Empire and other personal claims, 10,406,663 acres; Indian Reservations, 808,540 acres; unappropriated, 1,503,000 acres; total, 18,153,219 acres.

(After considering the question of the best methods of dealing with the collection and disposing of the Crown Lands revenue, the Committee proceeds) :—

Your Committee are influenced in their opinion as to the best application of the proceeds of the remaining Land and Territory, for the following reasons :—

They find, by reference to the Parliamentary Journals, that the Legislatures of both Upper and Lower Canada have been, for many years past, most desirous to obtain an appropriation of a part of the public domain for the support of Common Schools. They also find that one of the first objects sought by the Legislative Assembly of United Canada, during its first Session in 1841, was to appropriate Fifty Thousand pounds (£50,000,) per annum from the Provincial revenue, until the Government should apply the proceeds of the Sales of the Waste Lands of the Crown for that purpose ; this appears by the following Second Section of the Act : 4th and 5th Victoria, Chapter XVII,\* which says :—

“And be it enacted, That for the Establishment, Support and Maintenance of Common Schools in each and every Township and Parish in the Province, there shall be established a permanent Fund, which shall consist of all such monies as may accrue from the selling or leasing of any Lands, which, by the Legislature of this Province, or other competent authority, may hereafter be granted and set apart for the Establishment, Maintenance and Support of Common Schools in this Province, and of such other monies as are hereinafter mentioned ; and all such monies, as shall arise from the sale of any such Lands, or Estates, and certain other monies hereinafter mentioned, shall be invested in safe and profitable securities in this Province, and the interest of all monies, so invested, and the rents, issues and profits arising from such Lands, or Estates, as shall be leased, or otherwise disposed of, without alienation, shall be annually applied in the manner hereinafter provided, to the support and encouragement of Common Schools.”

As the only resource of a new country is its lands, the first duty of the Government is to appropriate them, so as to confer the greatest benefit, and the most equitable distribution to the entire population.

The Lands are situated in the most remote part of the Province, and the inhabitants residing in their immediate vicinity contribute a far greater proportion of their means and labour to enhance their value than those residing in either Cities, or Towns. No part of these Lands have, as yet, been appropriated for the instruction of Youth near their own residence, or in their respective Districts, and they feel that the appropriation heretofore made, practically excludes them from a due proportion of the benefits derived therefrom.

This feeling, being founded in reason and justice, will continue and increase, until the cause shall be removed.

Your Committee have reason to believe, that the application, herein contemplated, would not only meet with general approbation, but would reconcile the inhabitants to the grants heretofore made, because their dissatisfaction did not arise either from the quantity, amount, or object, but because there had not, in the first instance, and in the early days, been an appropriation made for the support of Common Schools.

The salutary effects produced by a Fund of this description cannot be more favourably presented, or more forcibly put, than in the following extracts from a Message of His Excellency the Governor of the State of New York, published last month, (February, 1845) :—

“Five hundred thousand, (500,000,) acres of the Public Domain were appropriated for education by the Government, many years past.

In 1823, the entire proceeds therefrom were inviolably appropriated and applied to the support of Common Schools.

In 1836, the Deposit Funds, arising from the New York State proportion of proceeds of Lands apportioned by the General (United States) Government, was, also appropriated for that object.

This revenue, in 1841, increased to \$298,826, which has produced the following most gratifying results :—

10,990 School districts have been organized ; \$992,222 have been paid for wages to Common School Teachers ; 709,157 Children have been taught in those Schools, and 1,038,396 Volumes of Books are reported to be in the School district Libraries.

These facts present evidence, both striking and satisfactory, of the immense extent of the public benefit to education which those revenues have produced in so limited a term of years.

No public fund is so unpretending, yet so all prevailing ;—so little seen, yet so universally felt,—so mild in its exactions, and, yet, so bountiful in its effects, as this Fund for the support of Common Schools.

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\*For this Act, see page 49 of the Fourth Volume of this Documentary History.



The thankfulness we owe to those, who have gone before us, for the institution of this Fund; for its Constitutional protection; and for its safe and prudent administration hitherto, we can best repay, by imitating their example, and by improving upon their work, as the increased means placed in our hands shall give us the ability."

These remarks are the more opportune, and apply with equal force to the Subject now under consideration. One of the prominent causes of the inattention to the collection of the Revenue of the Territorial, or Crown, Property, arises from the want of some specific object to which it should be applied.

Your Committee therefore unanimously concur in recommending its future appropriation for the purpose of creating a Fund for the Support of Common Schools, and the establishment of School Libraries throughout the Province.

From the narrow space in which all Land fit for cultivation is confined in Canada, it is evident that many years must elapse before they will become available; and, taking into consideration the value of the Lands already set apart for the higher branches of Literature, and the manner in which they have hitherto been disposed of, it is by no means an unreasonable amount; and, if hereafter, it should so prove, it is much safer to provide a fund which may, at any time, be reduced, than to be deprived of the only source from which it can be obtained.

In conclusion, it is evident, from the facts elicited in this investigation, and the result of the system heretofore pursued, that an immediate change of management is indispensable.

Your Committee, therefore, beg leave to call the attention of the Administration to the subject matter of this Report, and to submit for their consideration the immediate introduction of a Bill embracing the following provisions:—

*First*,—Appropriating the proceeds of all Lands remaining on hand, after the First of January 1846, for the support of Common Schools and School district Libraries throughout the Province. . . .

*Thirdly*,—To reserve a certain quantity of Land for the higher branches of Literature, and for civilizing the Indian Tribes. . . .

*Fourthly*,—That, after a period of twenty years, one half of this Fund may be appropriated for the higher branches of Literature, including the Science of Agriculture. . . .

All which is humbly submitted.

WM. HAMILTON MERRITT, Chairman.

TORONTO, 7th March, 1845.

# APPENDIX.—*Statement Number One.—Exhibiting the Principal Public and Special Appropriations of the Surveyed Lands in Canada West.*

	Acres.
Grant of Lands to the University of King's College, Toronto in 1828	225,944
Grant of Lands for Upper Canada College, (in part for appropriation of 66,000 acres authorized by His late Majesty's Government) . .	63,642
Grammar School Lands, videlicet:—	
Original quantity of Lands set apart . . . . .	549,217*
Quantity remaining on hand, subject to be claimed for the general purposes of Education . . . . .	258,330

## *Statement Number Two.—Exhibiting the Principal Public and Special Appropriations of the Surveyed Lands, Canada East.*

Quantity of Land for Educational purposes granted under the Feudal Tenure:

	Acres.
District of Montreal, to the Seminaries of Quebec and Montreal, about	307,000
District of Quebec, for the Seminary of Quebec, about . . . . .	426,000
Jesuits' Estates, now the property of the Crown, District of Montreal	48,000
Jesuits' Estates, now the property of the Crown, Three Rivers . . . .	439,000
Jesuits' Estates, now the property of the Crown, Quebec . . . . .	129,500+
For Charitable Purposes:—Ursulines, Hotel Dieu and General Hospital . . . . .	121,860

MONTREAL, 28th January, 1845.

THOMAS PARKE, Surveyor-General.

\* See "Note to Question Two" in "Statement Number Three," on the next page.

+See the estimate of these Lands made by Bishop Strachan, on page 30 of this Volume, *ante*.

*Statement Number Three.—Questions Submitted by the Lands' Committee of the House of Assembly, with Replies Thereto.*

*Note to Question Two, in regard to School Lands, by the Surveyor-General:—*It may be well to remind you that there is a difference in my Statement Number One, (on page 251) of 1,301 acres, —the original appropriation being 549,217 acres :—

	Acres.
Appropriation to the University of King's College .....	225,944
For Upper Canada College .....	63,642
Quantity yet subject to be claimed for the General Purposes of Education ..	258,330
Deficit, (as noted above) .....	1,301
	<hr/> 549,217

The quantity of Land which is still available for the general purposes of Education, namely, 258,330 acres, is the amount recognized by this Office in December, 1832, as remaining available. But, if the full quantity of 66,000 acres, authorized to be granted to Upper Canada College, be made up to that Institution, it would somewhat reduce that amount. Under the circumstances, therefore, it was considered advisable to adhere to the former Statement.

*Question Three, by the Committee :\**— . . . It appears from your Return of the 28th ultimo, (page 251), that there remains, subject to be claimed for the general purposes of Education, 258,330 acres. It also appears, (from the Statute relating to this matter), that the Governor General in Council is authorized to set apart 25,000 acres of the Waste Lands of the Crown,—to be sold at not less than 10s. per acre—the proceeds arising therefrom to be invested in Upper Canada Debentures at six *per centum*. Is this the same "Land" referred to in your Return of the 28th ultimo ? if so, what part of these 25,000 acres has been sold and at what price per acre ? what amounts have been received ? what amount invested ? and when and how has it been appropriated in the years 1841, 1842, 1843, and 1844 ? and the expenses, if any, thereon : what number of acres remain unsold ? where situate ? and of what value ?

*Answer of the Surveyor-General :—*"The Act to provide for the Advancement of Education, 2nd Victoria, Chapter 10, passed in 1839,† provided for an appropriation of 250,000 acres of the Waste Lands of the Crown, for the support of Grammar Schools,—not 25,000 acres, as stated in the Question of the Committee.

This Act was repealed by the 4th and 5th Victoria, Chapter 19, passed in 1841.‡ This last Act embodies some of the provisions of the former Law, but it does not direct the carrying out of the appropriation in question, and, consequently, no Lands, beyond those originally set apart, have been devoted to the general purposes of Education, or for Grammar Schools in Upper Canada.

In reference to the second division of your Question, it may be observed that there is nothing in the repealed Act which would lead to the inference that the 250,000 Acres proposed to be set apart for the support of Grammar Schools should be taken from the Lands appropriated for the general purposes of Education, but the wording of the 4th section of the Act points out clearly that they were to be set apart out of "the Waste Lands of the Crown."

It will remain for the Receiver General's Department to state whether, previously to the repeal of the Act in question, any sums of money were received and invested in Public Securities, with a view to the proceeds being devoted to the purposes of general Education, and, if invested, in what manner were they applied in the years 1841, 1842, 1843 and 1844.

*NOTE.*—The Committee, having applied to the Department of Crown Lands,—that Department having charge of such matters,—for information in regard to the receipts from the sales of the Grammar School Lands, received the following "Statement" in reply :—

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\*The Questions and Answers omitted do not specially refer to Education.

†For this Act, see pages 170, 171 of the Third Volume of this Documentary History.

‡For this Act, see pages 55, 56 of the Fourth Volume of this History.

Statement Number Four.—Showing the Sales and Receipts by the Commissioner of Crown Lands on account of School Lands, in the years 1842, 1843 and 1844.\*

Sales by Commissioner of Crown Lands.			Collections on old sales.		Gross Amount of receipts.	Payments to the Receiver General.	Disbursements to the Local Commissioners and others.	Balance in the hands of Commissioner of Crown Lands.
Acres.	Gross amount of sales	Proportion received.	Principal.	Interest.				
1,932. sale at 15s. Average	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
	1,449.0.0	395.10.0	1,937.10.5	834.3.3	3,167.3.8	1,866.17.0	148.14.6	1,151.12.2

The Sales of School Lands were placed under the management of the Department of Crown Lands, by an Order in Council of the 14th December, 1841. No sales, however, have been made under the immediate directions of this Office, The sales of 1,932 acres for £1,449, were all effected by the Honourable Colonel Talbot, under his former instructions, it is presumed, from the General Board of Education.†

T. BOUTHILLIER, Deputy Commissioner of Crown Lands.

MONTREAL, 6th February, 1845.

Statement Number Five : Relating to Upper Canada School Lands.

	Acres.	Acres.
From a return by the Honourable J. S. Macaulay, of the 10th August, 1841, for the General Board of Education, it appears that the total amount of Land originally set apart for School purposes was‡		546,861½
Of which Lands there were appropriated:—To the King's College..	225,944	
To the Upper Canada College.....	66,000	291,944
Leaving the number of acres originally reserved for Grammar Schools		254,917½
Number of acres sold under the management of the General Board of Education (? King's College Council,) up to 31st of December, 1840 .....	52,930½	
Number of acres sold by Colonel Talbot, under his former instructions, from 1st of January, 1841, to the 31st of December, 1843. See Statement Number One (above).....	1,932	54,862½
Number of acres of Grammar School Lands remaining unsold and disposable on the 1st of January, 1845 .....		200,055

\* A Statement of the sales of these Lands from 1821 to March, 1840 will be found on pages 303-305 of the Third Volume of this Documentary History.

† The reference here is to the "General Board of Education;" but that Body ceased to exist in 1823, (see page 15 of the Third Volume of this Documentary History). It was apparently succeeded in its duties by the "Council of King's College."

‡ There was, at the date mentioned here, no "General Board of Education" in existence in Upper Canada, as pointed out in the note † above; nor is there any record in the Minutes of the King's College Council of 1841, that any such Return, (as that here specified), was prepared, or submitted, to King's College Council by the Honourable J. Simcoe Macaulay. On the 23rd of February, and on the 12th and 14th of March, 1842, Mr. Macaulay submitted to the Council, (as the Chairman of a Committee) a series of important Financial Statements relating to King's College, and the Upper Canada College. See pages 177-188 of the Fourth Volume of this Documentary History. See also that part of the Report of the Commission on Education in Upper Canada, which is printed on pages 259-261 of the Third Volume of this History, and, in addition, see pages 303-305 of the same Volume.



Statement Number Six: Memorandum of the Sale of Grammar School Lands.

	Principal.	Interest.
	£ s. d.	£ s. d.
The 52,930½ acres sold to 31st December, 1840, have produced . . .	36,415. 8. 10	
On account of which there have been collected to the same date . . .	19,660. 11. 9	3,065. 10. 1½
Leaving on December 31st, 1840, (so in return, being a discrepancy of £391. 14. 2) . . . . .	16,363. 2. 11	5,748. 11. 0
Received from 1st January, 1841, to 31st December, 1844 . . . . .	1,937. 10. 5	834. 3. 3
Balance . . . . .	14,425. 12. 6	4,914 7. 9
Add instalments due on the 31st of December, 1845, on 1,932 acres sold, under the management of the Commissioner of Crown Lands, with 18 months estimated interest on the same . . .	1,053. 10. 0	96. 16. 3
Interest from the 1st January, 1840, to the 31st of December, 1844, four years on . . . . .	15,479. 2. 6	3,438. 3. 0
Principal, as in preceding entry . . . . .		15,479. 2. 6
Total, including Principal and Interest . . . . .		£23,928. 9. 6

Statement Number Seven: Estimated value of remaining Grammar School Lands.

	£ s. d.	£ s. d.
200,055 Acres, estimated value at 10 shillings per acre . . . . .		100,027. 10. 0
Amount due on Sales, as per Statement up to the 31st of December, 1844, being Principal and Interest, as per Statement Number Three, (above) . . . . .	23,923. 9. 6	
Laid out in the purchase of Provincial Debentures* . . . . .	14,359. 0. 6	38,287. 9. 6
Amount reported in the hands of the Receiver General on the 31st of December, 1840 . . . . .	1,795. 13. 4½	
Amount in the hands of the Bursar of King's College at the same time . . . . .	1,309. 11. 4	
Amount in the hands of the Crown Lands Agents at the same period . . . . .	4,785. 14. 0	7,890. 18. 8
Paid to the Receiver General by the Commissioner of Crown Lands . . . . .	1,866. 17. 0	
In the hands of the Commissioner of Crown Lands on the 31st of December, 1844 . . . . .	1,151. 12. 2	3,018. 9. 2
		£149,224. 7. 4

Statement Number Eight: Distribution of the School Land Fund, during the year ending on the 31st of December, 1844.

Receipts.	Halifax Currency.
	£ s. d.
By Balance brought from last year . . . . .	1,803. 0. 7½
Cash credited by the Receiver General, being interest on debentures held on Account of the School Land Fund . . . . .	1,506. 10. 7½
Total Halifax Currency . . . . .	3,309. 11. 3
By Balance brought down, Currency . . . . .	£2,350. 11. 10

\*Page 70 of the Fourth Volume of this Documentary History.

Statement Number Eight, etcetera.—Continued.

To whom Payable.	Expenditure.	Halifax Currency.	Halifax Currency.
		£ s. d.	
W. D. Moodie . . . . .	The proportion for the Victoria District Gram- mar School for 1843 . . . . .	25. 0. 0	
Rev. J. C. Taylor . . . . .	For the Colborne District Grammar School for 1844 . . . . .	34.10. 0	
Rev. Hugh Urquhart . . . . .	For the Eastern District Grammar School for 1844 . . . . .	90. 0. 0	
Rev. J. G. Geddes . . . . .	For the Gore District for 1844 . . . . .	127.10. 0	
Rev. H. J. Grasett . . . . .	For the Home District for 1844 . . . . .	50. 0. 0	
Rev. E. Hubbell . . . . .	For the Johnstown District for 1844 . . . . .	70. 0. 0	
Rev. B. Cronyn . . . . .	For the London District for 1843-44 . . . . .	130.10. 0	
Rev. G. Okill Stuart . . . . .	For the Midland District for 1844 . . . . .	97.10. 0	
Rev. A. N. Bethune . . . . .	For the Newcastle District for 1844 . . . . .	77.10. 0	
Rev. Thomas Green . . . . .	For the Niagara District for 1844 . . . . .	75. 0. 0	
Rev. Charles A. Low . . . . .	For the Ottawa District for 1844 . . . . .	30. 0. 0	
Rev. W. Macaulay . . . . .	For the Prince Edward District for 1844 . . . . .	45. 0. 0	
Rev. S. B. Ardagh . . . . .	For the Simcoe District for 1844 . . . . .	52. 0. 0	
		£905. 9. 0	
Add Warrants outstanding for 1843, and paid in 1844 . . . . .		53.10. 5	
			£958.19. 5
To balance carried to next Year . . . . .			2,350.11.10
Total Halifax Currency . . . . .			£3,309.11. 3

W. B. ROBINSON, Inspector General.

MONTREAL, January, 1845.

Statement Number Nine: Account rendered by "General Board of Education"  
(? Council of King's College), 1840.

	£ s. d.	£ s. d.	£ s. d.
To paid for Agencies and charges for management . . . . .		1,460.10 2	
To paid Salaries of Grammar School Teachers, up to the 31st of March, 1836 . . . . .		1,060.16. 8	
To paid for Books up to the 31st of March, 1836 . . . . .	729.17. 3		
To paid on account of Building and Contingent account . . . . .	796.11. 3		
	1,526. 8. 6		
Less Grant for Books, as per Statute . . . . .	750. 0. 0		
		776. 8. 6	
To purchase of Land, (erroneously sold) . . . . .		365. 0. 0	
To paid to the Receiver General . . . . .	16,618. 8.10½		
Less, paid back by the Receiver General, on Warrant . . . . .	463 15. 6½		
		16,154.13. 4	
Balance in the hands of the Crown Lands Agents . . . . .		4,785.14. 0	
			24,612. 2. 8
By balance of Bank Stock Account . . . . .	137.10. 0		
By Dividends, Interest and Bonuses . . . . .	892.18. 0		
		1,080. 8. 0	
By proceeds of Sales actually paid in, including pro- ceeds of Timber sold . . . . .	£ 23,531.14. 8		£24,612. 2.8

## PAYMENTS ON BEHALF OF EDUCATION IN

Return to an Address of the Legislative Assembly of the 9th of December 1844 to His the House, a Statement, in a tabular form, of all sums of Money which have been expended in each of the several Counties and Ridings in this Province, since the year 1830, specifying the expenditure was made, and the several

By Command,

MONTREAL, 6th of March, 1845.

Name of District.	Kind of School.	Authority for Payment.	1831.	1832.	1833.	1834.
			£ s. d.	£ s. d.	£ s. d.	£ s. d.
Bathurst ...	Common .	4 George IV., chapter 8, and Annual Grant of £250 ...	250.0 0	.....	1,000.0 0	750. 0.0
	Grammar.	4 George IV., chapter 27. ....	100.0 0	50.0 0	100.0 0	100. 0.0
Brock .....	Common .	7 William IV., chapter 30, £250 per annum, and Annual Grant .....	.....	.....	.....	.....
	Grammar.	7 William IV., chapter 30 ...	.....	.....	.....	.....
Eastern ....	Common .	4 George IV., chapter 8, and £250 per annum, and Annual Grant .....	500.0 0	.....	1,000.0 0	500. 0.0
	Grammar.	47 George III., chapter 6 and 48 George III., chapter 16. ....	100.0 0	100.0 0	100.0 0	100. 0.0
Dalhousie ..	Common .	.....	.....	.....	.....	.....
	Grammar.	.....	.....	.....	.....	.....
Colborne ...	Common .	.....	.....	.....	.....	.....
	Grammar.	.....	.....	.....	.....	.....
Gore .....	Common .	4 George IV., chapter 8, and £250 per annum, and Annual Grant .....	.....	250.0 0	850.0 0	250. 0.0
	Grammar.	59 George III., chapter 4 .....	100.0 0	100.0 0	100.0 0	100. 0.0
Home .....	Common .	4 George IV., chapter 8, and £250 per annum, and Annual Grant .....	250 0.0	250.0 0	1,000.0 0	1,000. 0.0
	Grammar.	47 George III., chapter 6, and 48 George III., chapter 16. ....	50.0 0	.....	.....	.....
Huron .....	Common .	.....	.....	.....	.....	.....
	Grammar.	.....	.....	.....	.....	.....
Johnstown..	Common .	4 George IV., chapter 8, and £250 per annum, and Annual Grant .....	250.0 0	250.0 0	250.0 0	750. 0.0
	Grammar.	47 George III., chapter 6, and 48 George III., chapter 16. ....	100.0 0	100.0 0	100.0 0	66. 3.3½
London ....	Common .	4 George IV., chapter 8, and £250 per annum, and Annual Grant .....	250.0 0	250.0 0	850.0 0	850. 0.0
	Grammar.	48 George III., chapter 16 ....	100.0 0	100.0 0	100.0 0	100. 0.0
Midland ...	Common .	4 George IV., chapter 8, and £250 per annum, and Annual Grant .....	250.0 0	250.0 0	1,000.0 0	1,000. 0.0
	Grammar.	48 George III., chapter 16 ....	100.0 0	100.0 0	100.0 0	100. 0.0
Newcastle..	Common .	4 George IV., chapter 8, and £250 per annum, and Annual Grant .....	250.0 0	250.0 0	750.0 0	750. 0.0
	Grammar.	48 George III., chapter 16 ....	100.0 0	100.0 0	100.0 0	100. 0.0
Niagara ....	Common .	4 George IV., chapter 8, and £250 per annum, and Annual Grant .....	250.0 0	250.0 0	750.0 0	750. 0.0
	Grammar.	48 George III., chapter 16 ....	50.0 0	100.0 0	100.0 0	100. 0.0



UPPER CANADA FROM 1830 TO 1843.

Excellency the Governor General, praying that His Excellency would cause to be laid before from the Public Treasuries of the several Provinces of Upper and Lower Canada, for Education authority under which such expenditure was made and the several times of making such times of making such expenditure.

D. DALY, Secretary.

1835.	1836.	1837.	1838.	1839.	1840.	1841.	1842.	1843.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
750. 0. 0	.....	750. 0. 0	1,250. 0. 0	652. 11. 9	750. 0. 0	250. 0. 0	925. 8. 7	.....
100. 0. 0	100. 0. 0	100. 0. 0	100. 0. 0	100. 0. 0	100. 0. 0	50. 0. 0	90. 0. 0	45. 0. 0
.....	.....	.....	.....	.....	400. 0. 0	250. 0. 0	489. 3. 5	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....
750. 0. 0	1,000. 0. 0	750. 0. 0	750. 0. 0	750. 0. 0	750. 0. 0	250. 0. 0	765. 4. 7	24. 8. 9
100. 0. 0	100. 0. 0	100. 0. 0	150. 0. 0	50. 0. 0	100. 0. 0	50. 0. 0	45. 0. 0	90. 0. 0
.....	.....	.....	.....	.....	.....	.....	.....	516 2. 11
.....	.....	.....	.....	.....	.....	.....	.....	19. 14. 6
.....	.....	.....	.....	.....	.....	.....	309. 3. 9	185. 10. 2
.....	.....	.....	.....	.....	.....	.....	90. 0. 0	90. 0. 0
1,450. 0. 0	250. 0. 0	1,450. 0. 0	850. 0. 0	850. 0. 0	850. 0. 0	250. 0. 0	1,628. 13. 4	.....
56. 14. 6	100. 0. 0	100. 0. 0	100. 0. 0	100. 0. 0	100. 0. 0	50. 0. 0	90. 0. 0	90. 0. 0
1,000. 0. 0	1,000. 0. 0	750. 0. 0	1,000. 0. 0	1,000. 0. 0	1,000. 0. 0	250. 0. 0	2,577. 7. 1	.....
29. 11. 13	100. 0. 0	100. 0. 0	81. 10. 1	24. 15. 10	100. 0. 0	50. 0. 0	90. 0. 0	90. 0. 0
.....	.....	.....	.....	.....	.....	.....	.....	53. 1. 2
.....	.....	.....	.....	.....	.....	.....	76. 18. 3	45. 0. 0
.....	.....	.....	.....	.....	.....	.....	.....	.....
750. 0. 0	750. 0. 0	750. 0. 0	750. 0. 0	750. 0. 0	750. 0. 0	1,000. 0. 0	604. 8. 10	5 11. 1
123. 13. 11	100. 0. 0	100. 0. 0	82. 17. 6	32. 17. 6	100. 0. 0	50. 0. 0	90. 0. 0	90. 0. 0
850. 0. 0	850. 0. 0	850. 0. 0	850. 0. 0	700. 0. 0	550. 0. 0	250. 0. 0	274. 13. 4	437. 15. 3
100. 0. 0	50. 0. 0	100. 0. 0	121. 16. 7	50. 0. 0	100. 0. 0	50. 0. 0	90. 0. 0	90. 0. 0
800. 0. 0	800. 0. 0	800. 0. 0	.....	800. 0. 0	600. 0. 0	600. 0. 0	455. 8. 0	561. 8. 11
100. 0. 0	100. 0. 0	100. 0. 0	96. 11. 6	50. 0. 0	45 17. 9	50. 0. 0	90. 0. 0	90. 0. 0
750. 0. 0	250. 0. 0	1,000. 0. 0	750. 0. 0	.....	750. 0. 0	1,000. 0. 0	1,076. 5. 2	.....
100. 0. 0	100. 0. 0	100. 0. 0	100. 0. 0	50. 0. 0	100. 0. 0	50. 0. 0	90. 0. 0	90. 0. 0
250. 0. 0	750. 0. 0	750. 0. 0	750. 0. 0	750. 0. 0	750. 0. 0	250. 0. 0	1,305. 19. 9	.....
100. 0. 0	100. 0. 0	100. 0. 0	100. 0. 0	50. 0. 0	100. 0. 0	50. 0. 0	90. 0. 0	90. 0. 0

## PAYMENTS ON BEHALF OF EDUCATION

Return to an Address of the Legislative Assembly of the 9th of December 1844 to His the House, a statement in a tabular form, of all sums of Money which have been Expended in each of the several Counties and Ridings in this Province, since the year 1830, specifying expenditure.

By Command,

MONTREAL, 6th of March, 1845.

Name of District.	Kind of School.	Authority for Payment.	1831.	1832.	1833.	1834.
			£ s. d.	£ s. d.	£ s. d.	£ s. d.
Ottawa.....	Common .	4 George IV., chapter 8, and £250 per annum and Annual Grant .....		250.0 0	250.0 0	250. 0.0
	Grammar.	4 George IV., chapter 26 ....	100.0.0	100.0.0	58.4.4½	106.19.8½
Prince Edward...	Common .	1 William IV., chapter 7, and £250 per annum and Annual Grant .....				250. 0.0
	Grammar.	1 William IV., chapter 7 ....				
Talbot .....	Common .	7 William IV., chapter 33, and £250 per annum and Annual Grant .....				
	Grammar.	7 William IV., chapter 33 ...				
Victoria....	Common .	7 William IV., chapter 31, and 3 Victoria, chapter 68.....				
	Grammar.	7 William IV., chapter 31 ...				
Wellington.	Common .	.....				
	Grammar.	.....				
Weston ....	Common .	4 George IV., chapter 8, and £250 per annum and Annual Grant .....	250.0.0	250.0.0	600.0.0	600. 0 0
	Grammar.	48 George III., chapter 16 ....	100.0.0	100.0.0	100.0.0	100. 0 0
			3,500.0.0	3,200.0.0	9,258.4.4½	8,673.2.11¾

IN UPPER CANADA.—*Concluded.*

Excellency the Governor General, praying that His Excellency would cause to be laid before from the Public Treasuries of the several Provinces of Upper and Lower Canada, for Education the authority under which such expenditure was made and the several times of making such

D. DALY, Secretary.

1835.	1836.	1837.	1838.	1839.	1840.	1841.	1842.	1843.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
..... 100. 0.0	800 0.0 100.0.0	350.0.0 100.0.0	350. 0.0 100. 0.0	350. 0.0 100. 0 0	350. 0.0 100. 0.0	500.0.0 50.0.0	327. 7.8 90. 0.0	..... 90. 0.0
450. 0.0 103. 8.5½	250.0.0 66.8.9	200.0 0 100.0.0	700. 0.0 100. 0.0	450. 0.0 87. 5.2½	450. 0.0 100. 0.0	250.0.0 50.0.0	419.11.5 90. 0.0	..... 90. 0 0
.....	.....	.....	400. 0.0 .....	..... 50. 0.0	800. 0.0 100. 0.0	250.0.0 50.0.0	380.14 9 .....	..... 90. 0.0
.....	.....	.....	.....	.....	15.11.5½	250.0.0 50.0.0	436. 3.2 90. 0.0	..... 45. 0.0
.....	.....	.....	.....	.....	.....	250 0.0	549.19.8 90. 0.0	..... 90. 0.0
600. 0.0 100. 0.0	250.0.0 100.0.0	600.0.0 100.0.0	600. 0.0 100. 0.0	600. 0.0 100. 0.0	600. 0.0 100. 0.0	250.0.0 .....	861. 4.3 .....	..... 90. 0.0
9,513. 8.1	8,066.8.9	10,300.0.0	10,182.15.8½	8,487.10.3¾	10,811.09.3¼	6,750.0.0	14,688. 4.8	8,198.12.9



*Payments on behalf of Common Schools in Upper Canada, during 1842-1844.  
Laid before the House of Assembly :*

Upper Canada Enactments, authorizing the Payments.	Name of School Superintendent to whom amount was paid.	Name of the Municipality : (District, or Town).	Years of Payment.			Total payments.
			1842. (in part.)	1843.	1844.*	
			£ s. d.	£ s. d.	£ s. d.	£ s. d.
4th and 5th Victoria, Chapter 18; and 7th Victoria, Chap's.	Newton Bosworth..	Brock .....		706. 1.10	706. 1.10	
9 and 29.	Alexander Mann...	Bathurst..	193. 4. 8	907. 7. 9	907. 9. 0	
	Elias Burnham ..	Colborne..		564.10. 8	564.10. 8	
	Hamnett Pinhey...	Dalhousie..		628.11. 8	628.11. 8	
	Samuel Hart .....	Eastern .....		1,223. 3.11	1,287. 4. 1	
	Patrick Thornton ..	Gore .....		1,699.13.10	1,811.15. 7	
	Hamilton Hunter ..	Home .....	20. 0. 0	2,428.19.11	2,952. 9. 3	
	John Bignall .....	Huron .....		257. 3. 8	257. 3. 8	
	William M. Hynes.	Johnstone..	721. 1. 2	1,096. 2.11	1,302.15. 9	
	John Willson .....	London .....	320.16. 8	1,245. 8. 0	1,325. 6. 4	
	John Strachan .....	Midland .....	109 7.10	1,137. 8. 6	1,373.18. 6	
	John Steele .....	Newcastle..	164. 0. 0	1,109.10. 4	1,217. 6.11	
	Jacob Keefer .....	Niagara .....		1,459. 1. 9	1,459. 1. 9	
	Colin Gregor .....	Ottawa .....		326. 6. 8	326. 6. 8	
	Thomas Donnelly ..	P. Edward..	134. 2. 2	558.14. 5	601.10. 4	
	S. B. Ardagh .....	Simcoe .....		561.11. 2	561.11. 2	
	William Clark .....	Talbot .....		485.14.11	485.14.11	
	William Hutton ..	Victoria ..	32. 9. 6	524.17. 2	587. 4. 1	
	Alexander Allan ..	Wellington ..		612.19.11	612.19.11	
	Charles Eliot .....	Western ..		1,030.17. 4	1,030.17. 4	
	Andrew Scott ..	Brockville..		123.18. $\frac{1}{2}$		
	George Benjamin ..	Belleville ..		62. 6.11		
	Walter C. Crofton..	Cobourg ..		62. 4. 1		
	S. Y. Chesley .....	Cornwall ..		64. 0.11		
	J. Osborne .....	Hamilton ..		112. 1. 6		
	T. W. Robinson ..	Kingston ..		263. 9.11		
	Benjamin Cronyn ..	London .....		79.18. 4		
	Thomas Boyd .....	Prescott ..		82.15. 4		
	Thomas Rorke .....	Picton .....		42.15.10		
	John Cassie .....	Port Hope..		45.12. 6		
	George A. Barber ..	Toronto .....		466. 9. 4		
	Grand total .....		£1,695. 2. 0	20,000. 0. 0	19,999.19. 5	£ 41,695.1.5

Receiver General's Office, 1845.

\*Payments to the Towns in 1844 were included in the Districts.

*Payments to Grammar School Masters in Upper Canada, 1843, 4. Laid before the House of Assembly:*

The following is a Statement of the amounts paid by the Receiver General of the Province of Canada to the under mentioned Masters of Grammar Schools in Upper Canada for services rendered during periods varying from October, 1843, to the end of January, 1845:—

Upper Canada Enactments authorizing the Payment.	To what Master paid.	Name of District Grammar School.	Amount of salary paid.
			£ s. d.
47th George III, and various other Acts of the Legislature of Upper Canada.	John Somerville .....	Brock .....	75. 0. 0
	John Brown .....	Bathurst .....	100. 0. 0
	Moses Williamson .....	Colborne .....	100. 0. 0
	Thomas Wardrope .....	Dalhousie .....	100. 0. 0
	William Kay .....	Eastern .....	100. 0. 0
	John Rae .....	Gore .....	100. 0. 0
	A. McKenzie .....	Huron .....	100. 0. 0
	John Haldane .....	Huron .....	50. 0. 0
	Marcus C. Crombie .....	Home .....	100. 0. 0
	Andrew Scott .....	Johnstone .....	50. 0. 0
	Benjamin Bayley .....	London .....	100. 0. 0
	S. Lightburne .....	Midland .....	100. 0. 0
	Robert Hudspeth .....	Newcastle .....	100. 0. 0
	John Whitelaw .....	Niagara .....	100. 0. 0
	Colin Gregor .....	Ottawa .....	100. 0. 0
	William Cockell .....	Prince Edward ..	100. 0. 0
	Frederick Gore .....	Simcoe .....	64. 0. 0
	George Salmon .....	Talbot .....	100. 0. 0
	Alexander Burdon .....	Victoria .....	150. 0. 0
	A. C. Veener .....	Wellington .....	100. 0. 0
	A. P. Salter .....	Western .....	50. 0. 0
	Total payments .....		£1,939. 0. 0

Receiver General's Office, 1845.

*Miscellaneous payments on account of Education, 1842-1844. Laid before the House of Assembly.*

To whom paid.	Nature of Service.	Amount.
		£ s. d.
Robert S. Jameson...	Three months' salary as Chief Superintendent of Education for Canada from the 14th of June, 1842, to the 31st of March, 1844 .....	93.15. 0
Robert S. Jameson...	Contingencies as Chief Superintendent of Education, Province of Canada, to the 26th of January, 1843 .....	142. 1. 0
Robert Murray .....	Deputy Superintendent of Education for Upper Canada, for salary of temporary Clerk, (Robert Richardson), June to December, 1842 at £157 10. 0. per annum .....	47. 0. 8
Dominick Daly .....	Twelve months' salary for the Chief Superintendent of Education for Canada West to the 31st of December, 1844 .....	375. 0. 0
	Carried Forward .....	£657.16. 8

*Miscellaneous Payments on account of Education, 1842-1844. Laid before the House of Assembly :*

To whom paid.	Nature of Service.	Amount.
	Brought Forward .....	£ s. d. 657.16. 8
Robert Murray .....	Deputy Superintendent of Education for Upper Canada. Contingent Expenses to the 31st December, 1843.....	31.19.11
Robert Murray .....	Contingent Expenses of the Education Office, Canada West, to the 3rd of October, 1844 .....	137. 0. 8
Henry Boys .....	Grant to Upper Canada College for 1843 .....	111. 2. 3
Henry Boys .....	Grant to Upper Canada College for 1843 .....	111. 2. 3
John Beatty .....	For Victoria College .....	450. 0. 0
Joseph Spragge .....	For twelve months' salary as Master of the Central School, Toronto .....	230. 0. 0
Joseph Spragge .....	For twelve Months' Contingent Expenses to 31st of Decem- ber, 1842 .....	70. 1. 7
J. F. Wilson .....	For twelve Months' salary as Teacher to 31st of December, 1842 .....	90. 0. 0
Rebecca Sylvester .....	For twelve Months' salary as Assistant Teacher to 31st of December, 1842 .....	45. 0. 0
Joseph Spragge .....	Master of the Central School Toronto to the 30th of June, 1844 .....	159.15.10
Joseph Spragge .....	Contingent Expenses of the Central School, Toronto .....	15. 4. 9
James Bell .....	Teacher in the Central School, Toronto to 30th of June.	50. 0. 0
Rebecca Sylvester .....	Assistant Teacher in the Central School, Toronto do .	25. 0. 0
	Total payments .....	£2,184. 3. 2

Receiver General's Office, 1845.

FIRST CONVOCATION OF KING'S COLLEGE UNIVERSITY, 1844.

The following account of the First Convocation of King's College is abridged from *The Patriot* newspaper at Toronto, edited by Mr. Thomas Dalton, a well known local journalist:—

On Friday, December the 20th, 1844, the first open meeting of Convocation of King's College was held in the temporary University Building. The Hall presented one of the most gratifying scenes ever beheld in the Province. On the Dais were seated the Authorities of the University, in full academic costumes. In the centre, on the elevated platform, was the Right Reverend Doctor Strachan, Bishop of Toronto, as President of the University, on whom, in the absence of His Excellency Lord Metcalfe, the Governor General and Chancellor of the University, the duty devolved of conferring the Degrees.

The Chair appropriated for the President remained vacant, as that Officer occupied the Chancellor's seat. On his left was the Vice-President, the Reverend Doctor M'Caul. In front, sat the Proctors, the Reverend Doctor Beaven and Professor Croft, while the other Professors were ranged in seats, on either side, extending to the front of the Dais, with Benches immediately behind them for the Graduates, who were entitled to places in Convocation. On the extreme right was the Registrar's desk, and in a corresponding situation on the left was a Lectern, for the recitation of the Prize Compositions. On either side of the Dais, tiers of seats were placed for the accommodation of the Students, of whom a goodly number were present; and in front, within an enclosed space, places were reserved for the Visitors, *ex-officio* Members of the King's College Council, etcetera. The rest of the spacious Hall, including the Gallery, was filled by a most respectable audience: the *coup-de-oeil* was most attractive and imposing. On the Dais the sombre furniture was relieved by the scarlet and pink and blue worn by the Professors, according to their Degrees, and beautifully contrasted with the grave black which was the predominant colour elsewhere.



The ceremony of Convocation commenced with the admission of Candidates for Degrees, the first was the Principal of Upper Canada College, Mr. F. W. Barron, B.A., who was presented by the Vice-President for the Degree of M.A. Subsequently the following Gentlemen were presented and admitted in due form to their Degrees :—

M.D. (Ad. eundem)—John King, Edinburgh ; George Herrick, Edinburgh ; Henry Boys, Aberdeen ; Joseph Hamilton, Edinburgh.

A.B. (Ad. Eundem)—William Ramsay, Dublin. When this part of the proceeding was concluded, Doctor Boys, the Registrar, called the roll of the Students who were to be Matriculated. The following gentlemen presented themselves and signed the declaration :—

John Boyd, William Craigie, Charles G. Crickmore, Alexander Dixon, Thomas Wm. Marsh, Daniel McMichael, Arthur Wickson, Charles R. Wilkes, Charles R. Loscombe.

After this, the Prize Compositions were recited in the following order :—

1. Latin Poem, by Walter Stennett, Senior Sophister. Subject—"Cambysis exercitus arenis obrutus."

2. Translation into Greek Tragic Iambics, by George Crookshank, Senior Sophister. Subject,—“Shakespeare, Troilus and Cressida Act, III. Scene 3, from “Time hath” to “present object.”

3. Translation into Greek Prose after the model of Thucydides, by William Webb, Senior Sophister. Subject—Galgaci Oratio, Tacitus Agricola xxx, et sequitur.

4. English Essay by Walter Stennett, Senior Sophister. Subject—"The Commercial Intercourse of the Principal Nations of Antiquity."

#### DOCTOR RYERSON'S FIRST CIRCULAR TO DISTRICT MUNICIPAL COUNCILS.

While in England, in 1845, Doctor Ryerson wrote the following Circular to District Municipal Councils on the desirability of appointing Committees on Education, with a view to consider what amendments to the Common School Law of 1843 were desirable and necessary. He said:—

No School Law, or School System, can be successful in a free country, which does not harmonize with the feelings and circumstances of the people amongst whom it is established.

The present Common School Law of Upper Canada is, to a great extent, a transcript of the Common School Law of the State of New York. When we consider how many modifications the Common School Law of that State has undergone, before it was rendered either efficient, or satisfactory, it would not be surprising if the present Common School law of Canada West,—notwithstanding the best intentions on the part of its framers,—should be found effective, or even objectionable, or impracticable, in some respects. But if, in any case, the special objects of the Common School Law are not accomplished, it is desirable and important to ascertain, by a most careful enquiry, and upon the best evidence, whether the failure arises from the defects of the Law itself, or from other causes,—or from both. It is a species of quackery to presume to prescribe, or attempt the application of a remedy, without ascertaining the nature of the disease, or the extent of the evil complained of.

The Common School Law provides for the preparation and transmission, to the General Education Office of local reports, which will, no doubt, contain much valuable, and perhaps, all needful information on every material point. But, I take the liberty of suggesting whether, on a subject so varied, intricate, and important,—a subject in which we all have a common object and a common interest,—it would not be desirable and worth while for each District Council to appoint an Educational Committee,—allowing that Committee three months to examine, weigh, and report on the working of the present Common School Law, and embodying any suggestions which may occur to them, for the promotion of Education in their respective Districts ; and after such Reports shall have been considered by the several Councils, let them be forwarded to the Education Office for Canada West.

Should those Reports contain nothing important, in addition to what may be transmitted in the Reports of the Local School Superintendents, they will, nevertheless, furnish additional authorities, and will, therefore, give additional assurance to those, on whom it may devolve to recommend improvements in our Common School System.

I desire to bring to this work not only the advantages of the best observations which I have been, and may be, able to make both in the United States and in Europe, but also,—what I deem, if possible, of still greater importance,—the results of the most deeply interested and

extended local observation and experience. What may be very desirable, and even essential, in one Country, may not answer at all in another Country. I hope, therefore, that the foregoing suggestion will meet your approbation and concurrence.

I hope, within a twelve month from this time, to be able to visit most, if not all, of the Municipal Districts in Canada West, and meet the friends, Superintendents, and Teachers of Education in each District, in a District Meeting of one or more day's continuance, so as to consider, both in theory and application, every department of popular instruction and the best modes of imparting and promoting it.

EGERTON RYERSON.

LONDON, 3rd of February, 1845.

### STATUS OF ALIEN TEACHERS UNDER THE COMMON SCHOOL LAW.

A question having arisen in 1845 in regard to the legal position and status as Common School Teachers, under the then School Act of 1843, the question was referred to the Honourable Attorney-General Draper, from whom the following interpretation of the law on the subject was received by the Acting Superintendent of Education for Upper Canada, (Reverend Alexander Macnab,) through the Provincial Secretary, the Honourable Dominick Daly:—

I have to acknowledge the reference of the Letter of the Acting Superintendent of Common Schools for Upper Canada and its enclosure for my opinion, whether Township Superintendents are bound—

“To recognize, as Teachers, legally authorized to receive the public money, Aliens, who may present themselves as such, after the 1st January, 1846, on the strength of a general Certificate granted by the District Superintendent.”

Referring to the Statute of Upper Canada, 56th George III, Chapter 36,\* it appears [from Section four] that no Alien could be employed as a Common School Teacher. The Statute of Canada, 4th and 5th Victoria, Chapter 18, Section 7, [—proviso to Sub-Section three—] affirms the same principle, with only one exception [in favour of the Christian Brothers]. The Statute, 7th Victoria, Chapter 29,† [Section 37] so far departs from the principle as to recognize the granting of Teachers' Certificates at any time, prior to the first of January, 1846, to persons desirous of being employed as Common School Teachers, who are not natural born, or naturalized, subjects of Her Majesty.

The general Certificate of the District Superintendent of Schools continues in force until revoked, and, therefore, taking the letter of the law as a guide, an Alien, who obtains a Certificate from the District School Superintendent, prior to the first of January, 1846, might be employed as a Common School Teacher until the Certificate which he had obtained was revoked.

The question then is, whether the Legislature intended that Aliens, who could obtain Certificates before the first of January, 1846, should continue to be qualified Common School Teachers until revocation of the Certificates, or whether it was merely intended to authorize the employment of Aliens for a limited period.

Considering the previous state of the Common School Law, I think the soundest construction is, to treat the last Common School Act of 1843 as merely authorizing the employment of Aliens up to the first of January, 1846.

I cannot say that I feel clear on the point.

In confirmation of my view, I must, however, observe, that another construction would enable the District Superintendent of Schools to give Certificates to Aliens, irrevocable but by himself, or by his Successor in office, while those granted by Township Superintendents of Schools to the same class of persons,—would be in force for only a year, and could not be renewed.

The limitation of authority contained in the 37th Section of the last Common School Act,—that of 1843—extends to all Superintendents, and, as I think, meant to prevent the employment of Aliens after that date, though by no means clearly expressed.

WM. H. DRAPER.

MONTREAL, 2nd of November, 1845.

\* For this Statute, see pages 102-104 of the First Volume of this Documentary History.

† This Act is given on pages 48-55 of the Fourth Volume of this History.

## CO-OPERATION OF DISTRICT MUNICIPAL COUNCILS IN EDUCATIONAL MATTERS.

Under the District Municipal Act of 1841, and the School Acts 1841 and 1843, extensive powers were given to the District Councils, in regard to Common and Grammar Schools. Their co-operation was, therefore, frequently invoked by Doctor Ryerson to aid in giving effect to the Acts relating to each of these classes of Schools, and also in suggesting improvements in the laws governing these Schools. Thus, in his Letter to District Councils, (on page 263), he asked the Councils to appoint Committees on Education for this purpose. The various suggestions on this subject made by the Home District and by other parties will be found on pages 301—316 of the Fourth Volume of this History. Some will also be found more or less specific in the following Reports of the Education Committee of the Home District Council:—

## PROPOSAL FOR AID IN THE MAINTENANCE OF A LOCAL NORMAL SCHOOL.

The Standing Committee on Education of the Home District Council report as follows:—

To this Standing Committee on Education was referred the Memorial of the Reverend David Rintoul, on the subject of Normal Schools, and praying for his Institution to be taken under the patronage of the Home District Council, and that some remuneration may be extended to him out of the funds of the District.

The Committee being fully impressed with the importance of the subject matter of the Memorial, and aware of the necessity that exists that some measure should be adopted in order to qualify a class of young men, educated purposely for Common School Teachers, still they can only hope for such a desirable result, when the funds appropriated for the support of Common Schools will admit of an allowance to Masters and Instructors, at all events equal in emolument to what may be derived by the exertions of any ordinary professional man, tradesman, or mechanic. Until then, the character, attainments, and standing, which are so desirable, in order to command respect towards one who is to impart knowledge to others, is not to be looked for, or expected.

In most cases, the situation of Teacher is only sought after as a temporary expedient, or, until something better offers,—consequently from the frequent changes that take place, no well organized System of Education can be carried out, and little more than the bare rudiments can be attempted to be inculcated.

Your Committee regret, that, after having given every consideration to the Memorial, and looked into the authorities bearing on the subject, they cannot find anything that would justify them in recommending any such disposition of the funds of the District as prayed for by the Memorialist.

## UNDESIRABILITY OF NATIONAL DISTINCTION IN THE COMMON SCHOOLS.

Your Committee have also had under their consideration the Petition of certain inhabitants of the Township of Markham, praying for an allowance in support of a Dutch School, on which they would merely observe, that in a Province like Canada, the population of which is composed of people from various parts of the World, any measure such as prayed for, and having the effect of preserving national distinctions, would be involving a dangerous precedent, nor can they find any authority for so doing, the Committee, therefore, cannot recommend any action being taken on same.

TORONTO, 14th February, 1845.

WM. GAMBLE, Chairman.

## MODEL SCHOOLS IN THE HOME DISTRICT PROPOSED.

The standing Committee on Education of the Home District Council beg leave to Report:—

That they have had before them the Annual Report of Mr. Hamilton Hunter, Superintendent of Common Schools, made in conformity with the 26th Section of the Common School Act of 1843, exhibiting an elaborate tabular statement of the conditions of the Common Schools in the Home District, of the monies received and expended, etcetera. . . .

\* The Statute here quoted is inserted on pages 251-262 of the Fourth Volume of this History.

For the educational powers given by Law to District Municipal Councils, see pages 270-274 of the Fourth Volume of this Documentary History.



Your Committee have had their attention drawn by the County Superintendent to the necessity of establishing County Model Schools, as contemplated by Section 57 of the School Act, of 1843, for the preparation of a class of young men as Common School Teachers. The Committee are fully aware of the advantages that would accrue to the rising generation, if some permanent scheme could be successfully carried out for that purpose, and to which your committee will give their attention at the next quarterly Meeting of the Council.

#### NECESSITY OF TRUSTEES OBTAINING TITLES FOR THEIR SCHOOL SITES.

Your committee would call the attention of Councillors generally to the propriety of suggesting to the School Trustees of each Township, the necessity of obtaining titles to the ground on which the School-houses are built, and that the same shall be deposited with the Clerk of this Council for safe keeping.

TORONTO, 16th of May, 1845.

WM. GAMBLE, Chairman.

#### STATISTICS OF THE COMMON SCHOOLS IN THE HOME DISTRICT, 1844.

The following Return of the Statistics of Common Schools in the Home District are inserted as a sample of similar Returns in other Districts,—especially as this Return includes the earliest Statistics available of the Common Schools in the City of Toronto.

The Return gives a favourable view of the financial expenditure on behalf of Teachers, who were in 1844, as a general rule, very badly paid in the Municipalities,—it may have been because their qualifications for the important position which they filled as Teacher were, as was then—now more than fifty years ago—generally understood and believed to be, very inferior.

The following is an Abstract of the Report of the Local Superintendent of Common Schools in the Home District for 1844 :—

Names of Municipality and School Superintendents.	Number of School Districts : (or Sections.)	Number of Chil- dren between 5 and 16 taught.	Number of Chil- dren residing in the Muni- cipality.	Amount of the School Fund paid to Teachers		Amount raised by Rate Bill, or otherwise, and paid to Teachers.	
				£	s d	£	s d
City of Toronto, ..... <i>Mr. G. A. Barber.</i>	12	1,194	4,212	291	5 0	189	18 1
Albion ..... <i>Mr. James Warbrick</i>	12	433	1,034	209	8 7	no Report	
Brock ..... <i>Reverend A. Jamieson</i>	13	415	723	64	9 9½	42	15 4
Chiniquacousy ..... <i>Reverend D. Coultis</i>	18 and 7 Union Schools.	849	1,829	157	14 2½	271	4 6
Caledon ..... <i>Mr. Miles Bacon</i>	12 and one Union	548	891	161	9 10¾	48	0 11
Etobicoke ..... <i>Mr. William Larmon</i>	6 and 3 Unions	441	834	208	17 9	204	15 1
Georgina ..... <i>Mr. James Fairbairns</i>	4 and one Union	119	220	64	4 9	22	7 6¾
Gwillimbury (North) ..... <i>Dr. O. Burton</i>	5 and 3 Unions	194	305	27	4 8½	50	0 4¾
Gore of Toronto ..... <i>Mr. John Woodhall</i>	2 and 5 Unions	199	439	92	14 1½	45	17 6½
King, ..... <i>Mr. John Watson</i>	14 and 9 Unions	642	1,187	107	1 3	270	3 2
Markham ..... <i>Mr. J. Devue</i>	27 and 11 Unions	1,015	1,938	455	9 8	305	12 7½
Mara and Rama ..... <i>Mr. M. Mc Donagh</i>	4	67	178	28	0 10	Nothing.	

Names of Townships and School Superintendents.	Number of School Districts, (or Sections.)	Number of Chil- dren between 5 and 16 taught.	Number of Chil- dren residing in Amount of the School the City or Town-Fund paid to Teachers. ship.			Amount raised by Rate Bill, or otherwise, and paid to Teachers.		
			£	s	d	£	s	d
Pickering <i>Mr. George Barclay</i> .....	15 and 6 Unions	893	1,703	3 9	6 3 $\frac{3}{4}$	364	11	10
Reach <i>Mr. A. Hurd</i> .....	12 and 2 Unions	302	553	117	6 9 $\frac{1}{2}$	89	9	3
Scarboro <i>Reverend J. George</i> .....	8 and 2 Unions	518	1,023	363	15 0	166	14	8
Scott <i>Mr. James Gallois</i> .....	2	27	66	17	16 2 $\frac{1}{2}$	14	3	0
Toronto <i>Mr. A. Simpson</i> .....	20 and 5 Unions	1,090	1,874	226	2 8	374	10	8 $\frac{1}{2}$
Thorah <i>Mr. Charles Robinson</i> .....	6	101	242	43	13 9	.....	.....	.....
Uxbridge <i>Mr. Wm. Hamilton</i> .....	6	136	256	20	18 9	13	15	0
Vaughan <i>Mr. Richard Bywater</i> .....	12 and 9 Unions	734	1,657	161	10 9	229	18	3
York <i>Mr. Eliza Pease</i> .....	25 and 2 Unions	1,660	2,147	706	5 5	377	1	4 $\frac{1}{2}$
Whitby <i>Reverend R. H. Thornton</i> .....	21 and 3 Unions	1,470	2,441	45	9 1	384	10	4 $\frac{1}{2}$
Whitchurch <i>Mr. J. Hartman</i> .....	10 and 12 U i s	595	1,092	235	13 10 $\frac{1}{2}$	156	14	3 $\frac{1}{4}$



*General Remarks on the Foregoing Statistical Return.*

The foregoing Statistical Report shews that there are 322 School Districts, (or Sections) in the County of York. In 290 of which, Schools have been in operation during some part of the year 1844. Also, that the number of Children in the County, between the ages of 5 and 16, including the City of Toronto, is 27,564, and that there have been, (as nearly as can be calculated,) 13,500 of these children in attendance at the Common Schools during a portion of that year.

NOTE.—In a subsequent Report of the Education Committee of the House District Council, the following subsequent reference to County Model Schools is made :—

Your Committee have had under their attention the subject of Model Schools, (as alluded to in a previous Report), but as it requires a well-digested scheme, which the present short Session of the Council will not allow time to consider, your Committee are not prepared with any recommendation at this time.

TORONTO, 14th of August, 1845.

WM. GAMBLE, Chairman.

## BISHOP STRACHAN ON THE COMMON SCHOOL ACTS OF 1841 AND 1843.

In his Charge, at the Visitation of the Clergy in 1844, Bishop Strachan thus criticised the provisions of the Upper Canada Common School Acts of 1841 and 1843. He said :—

I take the liberty of stating, that the desire of the Church of England has been to procure the education of her children, and, for this purpose, to establish a Parochial, or day School at each Mission or Station, and in all other places where we can collect an adequate number of pupils to give it tolerable support. For this object, when the first Common School Act was under discussion in the Legislature in 1841, I petitioned that Body that the Church of England should be allowed her share of the public money in proportion to her numbers.\* With this reasonable request there was a disposition to comply, as appears from the Eleventh Section of that Act ; but the Act was found contradictory and impracticable, and no benefit could be derived from it, during its continuance.

I petitioned again while the new School Act of 1843 was under the consideration of the Legislature, praying that the sum appropriated by the Legislature for the use of Common Schools might be divided among the recognized Denominations of Christians, in proportion to their respective numbers, or, in proportion to the funds raised by each, or from the combination of both.† Such a plan is altogether free from Religious difficulty, and would produce great emulation among the people ; or, if it should be preferred, that a certain sum be allowed to each Congregation of Christians for the purpose of aiding in the education of the children thereof,—the sum granted to be given in proportion to what shall be raised by said Congregation. No notice was taken of this application ; the former Common School Law of 1841 was dropped, and, in 1843, a new School Statute was enacted, in which throughout all its Seventy-one Sections, there is no reference to Christianity.

The only notice of Religion is in the Fifty-Fourth Section, which enacts that :

“No child shall be required to read or study in any exercise or devotion, or religion, which shall be objected to by his or her parents or guardians.”

And, in the Fifty-Fifth Section, it provides that Separate Schools may be established for the Protestants and Roman Catholics, in any locality.—Thus compounding the Church of England with the myriad of Protestant Denominations, and depriving her of any benefit which she might derive from this Enactment, while such benefit remains to the Roman Catholics.

This School Law, of 1843, as well as the former one of 1841, is based on infidelity, or indifference, to Religion, and proceeds upon the most shallow and unphilosophical view of human nature,—since, notwithstanding the fall, man is essentially a Religious being, and, therefore, Religious culture ought to form the principal part of his education, whether private, or domestic, social, or public.

“Religion,” says Doctor Southey,—

“Ought to be blended with the whole course of instruction ; that its doctrine and precepts should drop as the rain and distil as the dew,—as the small rain upon the tender herb, and as the showers upon the grass.”

\* Pages 20 and 22 of the Fourth Volume of this Documentary History. † *Ibid*, page 242.

It is not probable that the present School Act of 1843 can remain long in force, or that so large an appropriation as that which is now given,—Fifty Thousand pounds, (£50,000.)—can be continued. It is, therefore, worthy of grave consideration whether, or not, all our Parishes and Stations should not petition the Legislature to get the education of our own children into our hands, and, with it, such a part of the public money as shall be due in proportion to our numbers. The Church and the School-Master must go hand in hand.

It is our paramount duty to “train up a child in the way he should go,” and to bring up our youth in the fear and admonition of the Lord. Good Parochial Schools are the greatest benefit, even in a temporal point of view. To teach the rising generation to read, write, and cast accounts, and their duty to God and man, is to make them good members of society and candidates for heaven. Were this effectually done, our Gaols would soon become comparatively empty; our Courts would be relieved from the greater portion of their business; and the expense of guarding against crime, and of detecting and punishing it, would be greatly diminished, and personal injury and loss prevented.

And why should I not revert to a fact, so completely established in the public documents, that partial, as the teaching of the Church in this Colony has yet been, it has produced the most happy results? During the late melancholy disturbances, our people were foremost in defending the Government, and restoring peace and order, and scarcely any of them were found in the ranks of the Rebellion. Their conduct was a noble illustration of the instruction which they had received, obedience to lawful authority and the strict discharge of all the domestic and social duties; the discouragement of rash innovation, and the avoidance of those who are given to change.

This teaching was well illustrated by the generous ardour and rapidity with which, in the hour of peril, her children rushed forward to rescue the Country from destruction, and to put down pillage, massacre and rebellion; nor will they ever be found wanting, should circumstances of a similar nature ever recur.

#### EDUCATION IN UPPER CANADA FROM AN ENGLISH STANDPOINT IN 1843, 44.

In Letters to England from America by Mr. J. R. Godley, published in 1845, I make the following Extract:—

Education among the “lower orders” is in rather an unsatisfactory state in Upper Canada; the elementary parts of it, Reading, Writing, and Arithmetic, are perhaps as generally diffused as at home, and, at any rate, where the population were so well off, as is the case here, the demand for such “practical” education will inevitably produce the supply; but, at the national Common Schools it is impossible, from the state of society and the policy of the Government, to impart any religious instruction.

At present, there is in each “District” a Grammar School, supported by the state, the Master of which, gets One Hundred pounds (£100,) a year. These Schools are subject to the inspection of Trustees, appointed by the Provincial Government, and consisting generally of the Anglican, Roman Catholic, and Presbyterian Ministers, and of any laymen who may be deemed proper for the purpose.

These Schools are, I believe, tolerably well taught and managed; but, of course, they avail nothing to the great mass of the people scattered through the District, which embraces a vast extent of country. Recently, by an Act of Lord Sydenham’s Parliament, of 1841, Municipal Councils have been established after the American mode, elected by the people, who transact the local business of each Township, very much in the same way that Magistrates in Quarter-Sessions do in England; and, among their duties, is the Establishment and Maintenance of Township Common Schools, for the support of which, they are empowered to levy a tax; and the Masters of which, they, of course, appoint. It is very easy to conjecture, from the composition of these Councils, what sort of appointments they are likely to make; as in our Poor Law Unions at home, politics, private friendship, every thing, in short, but proper qualifications, influence their selections; so badly, indeed, has the plan worked, and so great is the outcry against it, that I believe there is no doubt the Law will be altered and remodelled; but, as there is not the least chance that Government will make the Church of England the means of educating the people, and, as secular instruction will take care of itself, where it is wanted, I look to the various schemes of State Education without much hope, or interest. J. R. G.

#### AN INDUSTRIAL SCHOOL FOR THE CITY OF TORONTO IN 1843.

The following is a copy of the “Prospectus” of an Industrial School which it was proposed to establish in the City of Toronto, as long ago as in 1845. It was the forerunner of the “Homes” for the Waifs and Strays, which some years

later, were established in the City ; but this Institution was projected on a broader and more practical foundation, or basis, than are the Homes for "Boys," "Girls" and "Orphans" in Toronto, as it proposed to combine education with an "Industrial training," which the Institutions named do not.

"It is better to prevent than to punish crime—it is more humane,—it is more Economical."

The following is the Prospectus of an Industrial School, which will be commenced as soon as possible, in the vicinity of the City of Toronto, for the benefit of Orphans and other poor and Neglected Children. It will be under the superintendence of Mr. Wilson, whose experience enables him to undertake the task with confidence, and he will perform it gratuitously with pleasure.

The pupils will be treated with the greatest paternal kindness, and receive a good Mental, Moral, Religious and Physical Education ; each will be taught a Trade, and all will be occasionally employed in Agriculture and Gardening. One-half of each day, (except Sunday,) will be spent in suitable labour, and the other half in the School Room. The exercises will be varied with agreeable and instructive recreation. The Sabbath will be employed in religious duties, such as are unexceptionable, and Sacred Music.

The pupils may be visited by their friends at all times, provided it does not interfere with the arrangements of the School.

To carry into successful operation such a useful and laudable Institution, it is necessary to raise a small sum to purchase provisions, and pay rent for the first year ; also to purchase Furniture, Tools, Stock, etcetera, to begin with ; and, for this purpose, several benevolent Gentlemen of the City have subscribed liberally. A few more donations are necessary to carry out the plan proposed, either in money, or useful articles, which will be gratefully received by either of the following Gentlemen,—who have kindly agreed to form a Provincial Committee to receive all donations, to see them properly applied, and the children properly treated, videlicet :—

William H. Boulton, Esquire, Mayor of Toronto ; the Honourables Robert Baldwin and Henry Sherwood ; H. J. Boulton, Esquire ; and Doctors O'Brien, Hamilton and Sewell.

Toronto, 22nd of December, 1845.

## CHAPTER XXVI.

### REMINISCENCES OF SUPERANNUATED COMMON SCHOOL TEACHERS AND INSPECTORS, 1843-1845.

Mr. W. R. Bigg, ex-Inspector of the Public Common Schools in the County of Leeds, gives the following interesting reminiscences of his experience, chiefly as a Public School Teacher in the Midland District from 1843-45.

**MIDLAND DISTRICT.** My first experience dates from Adolphustown, 1843, in what was then termed the "Midland District." Being desirous of trying my hand at teaching, I applied to the Trustees of a School Section, where a vacancy existed, as to the usual method of procedure and for general information, being then a perfect novice.

From the Trustees I learned that my first step would be to procure a Certificate of Qualification from one of the "Township School Commissioners," and was referred to "Squire Casey," the Chairman of the School Commissioners for Adolphustown, who lived near at hand. Then, supposing I obtained the desired Certificate, my next step would be to draw up an Agreement,—to the effect that I would teach the School of the Section for \$12 a month, and "board round" free, for the winter term of six months, 1843-4.

I may here remark, that it was then customary to engage men for Teachers for the Winter half of the year, and "School marms" for the summer half, although a few School Sections were found to be sufficiently large to enable the inhabitants "to keep a male Teacher all the year round."



Accordingly, I waited on "Squire Casey," to undergo the dreaded ordeal of examination. This, however, was very brief and entirely oral, and consisted in being simply asked to spell "Summons." The "Squire," you must know was, as his title implied, a Magistrate, and, in his official capacity, often issued a summons, and well knew that the general Canadian orthography was "sumons." Upon my spelling it in orthodox fashion, he wrote me out a Certificate, authorizing me to teach any School in the Township of Adolphustown.

Being thus "armed in mail of proof," back again I went to the Trustees of the vacant School Section, and was requested to draw up an Agreement and canvas the section for "signers," which I accordingly did, and succeeded in obtaining the requisite number of twenty-six names, some signing for three scholars, others for two, but more for one, and a few for *half a scholar*. I may here remark, that very few actually signed their names,—the bulk of those in the Section "couldn't write very good," but told me to put their names down. The object in thus getting "signers," was this:—The salary for six months at \$12 a month, would be \$72, from which the estimated amount of the Government Grant, twenty dollars, (\$20,) being deducted, left \$52 for the Section to make up, which averaged \$2 per Scholar for the twenty-six signed for, and this was deemed quite a large Bill!

It may puzzle some persons to know the meaning of "half a scholar,"—the explanation is, that the "signer" became bound to pay the Teacher \$1, at the rate of \$2 per scholar, whether he sent any pupils to the School, or none,—though he generally contrived to send one, or two, for an occasional few days, and then omitted sending any for a month—"to make up,"—taking especial pain that his "average attendance" should not exceed one scholar for half the term, or "half a scholar" for the whole.

The Teacher had to collect his "pay," at the expiration of the term, and often had to take notes, or to "trade out the Bill" at some store,—rarely getting over half in cash, and invariably sustaining a loss.

*Equipments, Furniture, Apparatus, Playground.* The majority of the School Houses in Upper Canada in the early forties were built of Logs,—though Frame ones were coming into fashion, and, in Towns and Cities, Brick and Stone structures made their appearance. The Rural School Houses were generally small, few exceeding 20 x 24 feet, and all were alike destitute of Maps and Blackboards. The Building consisted of one room only, with an old wood stove in the centre;—the seats and desks were placed all round two or three sides of the Building, and directly facing the windows, consisting of 12 lights in each, 7 x 9 inches, or 8 x 10. There were no Playgrounds, nor Closets,—the Highway was occupied for the former, and the adjoining Woods for the latter.

*School Studies and Attendance.* The studies of the School were chiefly limited to Spelling, Writing, Reading and Arithmetic, with Geography and Grammar in a few of the better class of Schools. The Text Books in use were Mavor and Cobb's Spelling Books; the English Reader and the New Testament; Daboll and Walkingham's Arithmetics; Olney and Morse's Geographies; and Kirkham and Lennie's Grammars. There were no "authorized versions" in those days. The attendance was irregular then as now,—the elder Boys and Girls going to School during the Winter and the younger ones during the Summer months. Few attended throughout the year. In fact, the chief educational improvements have been limited to our Town and City Schools; and, even these, have shown no advancement during the last two decades.

*Boarding Round.* The length of stay that the Teacher made with each of those who "signed," was proportional to the number of scholars which each had signed for. Thus, if twenty-six signers had been obtained for a six months term the average stay with each signer would be one week per scholar. Accordingly, the Teacher boarded with the farmer, or patron, one, two, or three, weeks, as per number of scholars signed for; and when the time was up, he moved on to the next signer, having to go back again, during the week, to get his under-clothing, which had been washed during the interim. ("Boarding round" included washing.)

*Teachers' Certificates.* My next Certificate in 1844 was from the School Superintendent of the "Midland District," and covered his "School Circuit," and was obtained without any examination whatever. I was teaching in Fredericksburgh, without any license beyond the request of the Trustees to await the advent of the School Superintendent, who was shortly expected, and then he could examine me. After visiting my School and inspecting the state of the different classes, the Superintendent decided that it was unnecessary to examine me, remarking that the status of the pupils, coupled with the very favorable report which he had received from the Trustees, was sufficient evidence of my qualification, and he handed me the usual legal Certificate. Subsequent experience has proved to me that the Superintendent, Mr. John Strachan, was right. "*Poeta natus est non facta.*" So it is with the Teacher. The Educational machinery of the present day turns out the raw material, *ad libitum*, but, as to the teaching capacity, or qualifications, the less said the better. During my experience of half a century,

I never met but one Teacher, that is, one possessing, not only high Scholastic attainments, but the faculty of imparting that knowledge, governing by love, and yet excelling as a disciplinarian. That Teacher was a Mrs. Arthurs. . . .

"*Licking the Teacher.*" It was not an uncommon occurrence in "old times," during the Winter term, when the young men and women of the School Section went to school for a few months, for a few of the roughs and bullies to conspire to "lick the teacher," not because of any disagreement with him, or personal dislike, but rather to perpetuate an old custom, such as we read of in reminiscences of the lawless regions of the "Great Republic."

In the early forties, when teaching on the "High Shore" of Sophiasburgh, in the District of Prince Edward, one fine winter's morning, on my way to the School House, as I was passing by the residence of Peter Wood, one of the Trustees, he opened the door, and hailing me, warned me to look out for myself on that particular day, as a plot had been laid to give me "a licking" before four o'clock p.m. I simply smiled incredulously; but, on his re-iterating the statement, and assuring me that it was true, I told him that he must be misinformed, as perfect harmony prevailed in the School, and that I had not had any trouble with any of the scholars. I then asked by whom I was to be attacked; but, like a true Canadian, he declined to give the names. Finally, however, to put me on my guard, and having pledged myself not "to peach," or "to split," on him, he gave me the name of one of the conspirators—"Read," a thick set, lubberly, clumsy, good-natured boy, about eighteen years of age, the name of the other conspirator was not disclosed. Having thus gathered all the information that "Pete" Wood was disposed to give me, I proceeded on my way to the School House, musing, as I went, on the incredulity of the whole story. On arriving at the "sacred shades of Academus," at about half-past eight o'clock—(in those days, doors in the country were seldom furnished with locks), I was rather surprised at finding two boys,—Read and Hazzard,—sitting by the stove, and pretending to be studying their lessons,—an unusual proceeding before nine o'clock, when School "was called in." I then went to my desk, and occupied the intervening time with "preparatory work." At nine, as usual, I went out "to ring the scholars in," who immediately came flocking in from the Grove adjoining the School, and proceeded to their seats, but Hazzard and Read suddenly jumped up, put down their Books, and each, pulling out a jack knife and a large apple from their pockets, began "predatory operations."

I instantly asked the two boys, if they were aware that "school was in," at the same time, ordering them to put away their knives and apples, and go to their desks. Hazzard "flunked" at once, and obeyed, not so Read, who shouted out—"I didn't take the knife out for you, and I shan't put it away for you." I was young, then twenty-two years of age, supple and fiery, and having no whip in the school room, (as I always governed by "moral suasion"), I rushed to the door, with the intention of exploring the aforesaid Grove for a suitable sapling, wherewith to comply with Solomon's injunctions. Quick as I was, Read being nearer the door, sprang to it before me and facing about, presenting his open jack knife, effectually debarred my egress for a moment, and but a moment. Keeping my eyes well on his . . . (I gave him a right good thrashing) . . . and finished by putting him out of the door . . . and throwing his slate and books out after him, and that was the last that I ever saw of Read. The whole Section laughed heartily over the result of "licking the teacher," and the universal judgment was—"served him right."

*Examinations for Teachers' Certificates.* Later, when I engaged as Teacher in the Prince Edward District, I found that the Common School Act had been amended. Township and County Boards of Examiners had superseded the "Township Commissioners," and examinations were held periodically. The place of examination selected for Sophiasburgh was Demorestville. . . . On the appointed day, Teachers requiring Certificates of Qualification met the Board, and after two hours oral wrestling with Reading, Grammar, Arithmetic and Geography, all succeeded in passing. It is perhaps needless to add, that the examination was a mere farce,—neither the Examiners, nor the Examined were qualified. Still, the material and the machinery employed was the best procurable, and fully equalled the remuneration. County Councils had also been empowered to appoint County Superintendents of Schools, who were generally paid four hundred dollars (\$400) a year, had to pay their own travelling expenses, and to visit each School in the County at least once a year. They were also empowered to grant Certificates of Qualification to Teachers. Township Superintendents were also appointed, but no qualifications were then required from either class of Officers. . . .

My next examination was before the School Superintendent for the County of Hastings, who was also Warden of the County, Mr. William Hutton.\* I found him ploughing on his farm. . . . On stating my errand, that I had taken a School in Thurlow, near a farm which I had bought, and that I desired a Certificate, he proposed to examine me *en route* to the House.

\* Reference to Mr. Hutton will be found on page 306 of the Fourth Volume of this History.

ploughing as he went. He gave me for spelling "One fox's head," "Two foxes' heads"—"One lady's bonnet," "Two ladies' bonnets."—But his grand attack was in Grammar, and he asked me to state what part of speech were each of the nine "thats" which were in the following sentence:—"The lady said in speaking of the word that, that that that, that that gentleman parsed was not that that, that she requested him to analyze." Having gone through this satisfactorily, I was complimented by the Superintendent, and informed, that I was the first Teacher he had examined, who had parsed all the thats correctly, and . . . at the House he wrote me out the required Certificate of Qualification. I never was before any Board of Examiners, or County Superintendent, again, but went to the Toronto Normal School, and obtained a First Class Provincial Certificate, Grade A, in 1856,—subsequently finishing my scholastic career as an "Inspector."

*Equipment, Furniture and Apparatus in Town Schools.* I have no reason to think that the School Furniture and Apparatus was much better in the ordinary Town Schools, than in the Rural ones, for I subsequently was Principal of the Milton Public School, of the St. Thomas Central School, Head Master of the Brockville United Grammar and Common School, and the Mathematical Master of the Galt Grammar School, prior to 1871, when I became Inspector of Public Schools. Now Milton had Blackboards, and about one hundred Object Lessons on Natural History; St. Thomas Central School had a few Maps and a good supply of Blackboards. Brockville Grammar School had only Blackboards; and the Galt Grammar School had a large Slate on a stand, and a pair of Globes. In each of the three latter Schools, during my incumbency, money was raised for a good supply of Apparatus, by my giving Lectures on Chemistry, with experiments, and inducing the pupils to canvas the Townships for the sale of tickets at 25 cents each. The money thus raised being doubled by the Government Depository bonus, afforded a sum sufficient to purchase from the Education Office Depository, through the Trustees, a complete set of Geographical and Astronomical Maps, together with Geological Cabinets, an Electric Machine and Battery, and a set of Chemical Apparatus, etcetera.

To Egerton Ryerson, and to him alone, is due the astonishing improvements effected in Common School Education from 1846 to 1876. It is hardly possible for the present generation to conceive of the state of our Public Common Schools, or the qualifications of the Teachers a half century ago prior to the Ryersonian era. The one great mistake of his life was the ambition to be the only "Chief Superintendent," and using his great powers and influence to arrange to be succeeded by a Cabinet Minister, thus throwing our Educational system into the domain of politics. . . . The abolition of the Depository was also a mistake—but that mistake was not his.

W. R. BIGG.

BROCKVILLE, 1896.

Mr. Edmund B. Harrison, Ex-Inspector of Public Common Schools in the County of Middlesex, thus refers to his varied experience as a School Teacher in that County:—

In 1844, I applied to the Howard Township Local Superintendent of Common Schools for a Teacher's Certificate, which was, after a very short examination, granted *pro tempore*, or until Judge Elliott, of Windsor, the District or County, Superintendent, would have an opportunity to examine me and my School, which he did during that year. The examination by him was partly oral and partly written, and occupied perhaps two hours. I considered this examination fairly searching and thorough, so far as he went. One part, in particular, I remember; after an oral examination in Geography, he asked me to make a rough sketch of the Map of Europe, and thereon locate certain Cities, Rivers, Mountains, Capes, etcetera. This I was able to do at that time very readily, as I had previously, in England, been obliged to use my Atlas in the preparation of my Geography Lessons, then the Wall Maps with the names on, afterwards Wall Maps, very large, without any names; also to draw copies of Maps from my Atlas, and lastly to draw Maps on a Slate from memory, and without the use of the lines of Longitude and Latitude.

To my success as a Teacher, I owe to the training which I afterwards received at the Normal School, Toronto, during a long nine months Session.

*The School Houses in 1844* were like the Dwelling Houses, (with one exception,—and that was a frame House,) and were built with round logs, saddled, or dove-tailed, at the corners, the doors and windows were sawn out after erection, roofed in with oak clap-boards, (there are no pines here,) laid upon long poles. In some instances, the clap-boards were not nailed, but held down with other poles. In some of the School Houses the logs were hewn on the inside of the building, very rarely on both sides: usually the interstices between the logs, especially when round, were "chinked" with moss, short pieces of wood split to fill the spaces, and the whole



of the outside spaces plastered over with clay ; but, if it were possible to obtain a little lime at a great cost, (for we have no limestone here,) then, instead of daubing with clay, it was "pointed" with lime. The floors were generally laid on substantial sleepers, timber was plentiful and not stinted, when building and furnishing such Houses. Over head for a ceiling, boards were placed across substantial beams in view. There was generally an open fire place ; the back wall was made of well beaten clay, substantial and thick, the Chimney was made of sticks covered with clay, and plastered with the same outside as well as inside. At that time bricks could scarcely be obtained, and the stones were boulders, and those not easily obtained. The pupils' desks were a sloping shelf placed around the sides of the room, the seats were benches without any backs, and cut in lengths to suit the dimensions of the room. Some of these seats were made of slabs, with "two inch" augur holes to receive the legs. The Teacher generally had a Table and Chair, the Chair with a woven bass-wood bark bottom, and was not to be despised. The school-yard and play-ground were generally the public road, not much used, with the inevitable logs and chips in the front ; the consumption of fuel in these days would be considered prodigious. There was usually a splint broom made out of hickory, which did good service, either to sweep, or scrub. Wooden pails and tin dippers of various kinds were in use.

But this state of things only lasted a short time after I came here. I always found our people ready to ready to respond to any suggestion, and to incur any reasonable expenditure, according to their means. Money was scarce, and was only then obtained in exchange for wheat, staves, pork, etcetera, at very low prices. . . . We can now compare our School-Houses, and grounds, as well as the School Furniture and Apparatus, I think, very favourably with any other of the Provincial rural School Sections, and the same can be said of the County.

*School Books.* Different kinds of School Books were used, not by any means uniform, yet each School endeavoured to have them as much so as possible. In 1845, the Teachers of this Township held a meeting, to secure uniformity in the School Books, but without success, owing principally to the fact, that some people were wedded to a certain series of Books and would use no other. In one instance a child was sent to School, with a copy of an old Aberdeen Almanac, the parents insisting that it was quite sufficient to enable him to learn his letters and to spell ! For Reading, the English Readers were principally used, also Mavor's ; for Spelling we had Mavor, Carpenter, Webster ; in Arithmetic, Gouinlock, Adams, Walkingame, etcetera, and for Mental Arithmetic, Tera, Colburn and Greenleaf ; in Grammar : Murray, Lennie, Kirkham, etcetera ; History : Pinnock's, principally ; Geography : principally an American work . . . and the use of an Atlas. There were no Large Maps, and, for a time, no Blackboards. Writing : at the first, copies were written on slips, as head lines, or written on the head line of the Copy Book, afterwards altogether on the Blackboards. The various Books in Chambers' Educational Series were used. But, until the introduction of the Irish National Series, there was no uniformity in the books used. . . .

*Teachers' Institutes.* The holding of Institute Meetings by Messieurs Robertson and Hind of the Normal School, gave quite an impetus to better teaching in the Common Schools ; since that time the Schools have made fair progress.

*The Government Depository.* The establishment of the Educational Depository, in Toronto, enabled the Trustees and Teachers to obtain suitable School Books, Maps and Apparatus. Without some such Institution, our Schools would have still been lagging. When, in answer to the clamors of the Trade, the Educational Depository was abolished, I thought it was a blunder . . . I still think so. I am satisfied, from ample observation, that the Institution of the said Depositories, while it stimulated the Trade, greatly helped the Public Schools. . . .

*The School Act of 1850* laid the foundation of a National System of Schools for Ontario,—but it must be confessed, not without considerable friction, and entailed some hardships on a few ; and, yet without it, this Country would have been sadly lacking in Education among the masses. To have attempted to do more than was done at the time, I am afraid would have created strong opposition ; to try to do away now with what has been done, would certainly lead to a rebellion. . . .

(NOTE. Mr. Harrison goes into a good deal of detail at the hardships to which he refers. They had reference chiefly to the formation and alteration of School Sections, etcetera.)

RIDGETOWN, April the 9th, 1896.

EDMUND B. HARRISON.

COUNTY OF MIDDLESEX. Mr. Hoyt, one of the earliest Normal School Students, gives the following graphic account of the Common Schools of his time :

He says : As I was one of the oldest, (and, I may say, one of the first) Normal School Teachers, or one who employed the new method of instruction introduced by Doctor Ryerson, in the early part of the forties, which method was one of the most most important adopted by

the early settlers of Ontario. When I first commenced teaching, the Schools, opened and supported by the early settlers might well be called private Schools. I began the life work of a Common School Teacher in the London Township, County of Middlesex. Mr. Crowell Wilson was the first Superintendent of Schools appointed under the new arrangement.\* He notified the people to establish Schools in each Section,—designating the extent of each division. In the year 1842, 3, A Board of Commissioners was appointed to divide each Township and County into School Sections. The members of that Board were Archdeacon Brough, the Reverend Doctor Proudfoot, the Reverend James Skinner, and Captain James Parkinson. It would be hard at the present time to find the same number of men, who would do as well as these men did. All the School Officers of the early times seem to have been men raised up to fill the place assigned them. These men, and the Reverend James Gordon and other Members of the School Boards, gave their time and personal support, in making the Schools of Canada second to none in the United States.

The whole Dominion also owe a great deal to the very efficient Officers of the Normal School at Toronto, including the Model School, and a number of hard working Teachers, who were labouring up hill, against a host of opposers, of the new method of teaching,—a method then entirely new, to the majority of the people. The subjects to be taught to the pupils were often objected to. I introduced Natural History, including Botany, and had Object Lessons on these subjects weekly for two hours and a half. A Report published by Doctor Ryerson in 1846, giving an account of the methods of teaching employed in Prussia which I read; and it had more influence on my success, than that of any book I ever read. When the Normal School was opened in Toronto in 1847, in the old Government Buildings, I attended there during the Second Session of 1848, without losing an hour, and at its close, I returned to the London Township, and did my best in introducing the methods recommended in the Toronto Normal School.

(IN FLORIDA,) 12th of May, 1896.

D. YOUNG HOYT.

COUNTIES OF LANARK, LINCOLN, AND PERTH. My first School as Teacher was in Section Number 3, Township of Beckwith, County Lanark in 1843. . . . It was a small Log School House, 18 x 24 feet; fire place in the chimney; long Desks running around the walls, with bench Seats to match. Of Books there was a great variety,—home and foreign; several of them from the United States. The teaching of these Books was decidedly anti British. Pupils brought to School such Books as they choose to use, rendering classification impossible; consequently individual teaching was the rule. There were no Maps, or Apparatus. Holidays every alternate Saturday, and one week in Summer. The examination of Teachers and inspection of Schools were conducted orally by Commissioners appointed by the Township Council. The School was supported by subscriptions of those sending pupils,—each household paying in proportion to the number in the family to be educated, supplemented by a small Government grant.

*General Retrospect.* The School which I taught was, I think, fairly representative of the Schools in that and in other Counties at that time. To give details of subsequent Schools, in which I taught, in the Counties of Lanark, Lincoln, Perth and in the Town of St. Mary's, would be interesting only as showing the rapid progress which Education has made in Ontario. This may be seen by comparison. The then new School Act (of 1850) and the opening of the Normal School in 1847 marked a new era in educational work. Instead of small, crowded, and badly ventilated School Houses we soon had more commodious Buildings, supplied with Maps and Apparatus from the Depository of the Education Department, suitable Desks, and comfortable Seats. The heterogeneous and foreign Books giving place to the "Irish National Series"; individual, routine teaching to classification and competitive examinations; the Free School taking the place of the subscription list and the ratebill Schools; Teachers educated for the work of their profession. In discipline,—appeals to reason and higher incentives substituted for the old time stimulus of "birch" persuasion.

The change in the entire machinery of our School System, though comparatively rapid, was gradual, tending at every step to educate the Public mind for further progress. The present youth of this Province can hardly appreciate their opportunities for Education, unaided by historical reference, and comparison with the past. . . .

ST. MARY'S, 18th of April, 1896.

J. W. POOLE.

EAST HAWKESBURY. Miss Whitecomb gives the following narrative of her early experience as a Public Common School Teacher:—

My first School in Upper Canada was in East Hawkesbury—about the year 1843. My Father had taken me to the Honourable Alexander Grant, to obtain a Certificate of Qualification. Mr. Grant noted down my name, and then inquired if I could teach Grammar? I said:—

\*For reference to Mr. Wilson, see page 141 of the Fourth Volume of this History.

"I did not know." Cannot you teach a little Grammar? he asked, I answered "yes"—doubtfully. He then wrote out a few lines and handed me the paper. It was my Certificate. But I was not always so fortunate. . . . My next Superintendent was Elder Metcalfe of Point Fortune. My Father brought him from a public Meeting to the Hotel, where I was waiting for him. He explored my mind thoroughly,—sparing no pains, or time, and then inquired: "Where were you educated?" . . . My Father answered . . . That "it was at our district School." This ended our interview. On the Elder's subsequent visit to my School he went through the whole role again, saying, "of course, it is not necessary but the law requires it" . . . My father was the next School Inspector, as the Office was then termed. He had to examine the Schools and engage the Teachers. Which, however, he did not do without consulting some of the residents, usually engaging some one to meet him at his examination of a School. . . .

There was little inspiring about my School, or its surroundings. It was a small Building of hewed Logs, long Benches, without backs, for Seats, and a high Writing Desk along one side. There was no Well, or fenced play yard. . . . The children were unsophisticated, but of ordinary intelligence. . . . My next School was in West Hawkesbury. This, with the adjacent Townships, were much more improved than was East Hawkesbury, though still occupied, for the most part, by the first settlers. They were chiefly Americans, and were in advance of the Old Country settlers in all their appointments. Their School Houses were uniformly a commodious framed Cottage,—had a good play yard and conveniences, including, a good Well, with a pole, or a pump.

About two thirds of the room was occupied by long writing Desks, rising one above another towards the back of the House, and with an aisle up the centre. This arrangement of the Desks gave an excellent view of the room from the Teacher's Desk, or Pulpit, which was in one corner of the space in front. . . . The door was in the opposite corner, and a large box Stove was in the centre. Long Benches, without backs, for Seats, ran round the vacant space in front, and between the Desks. The House was well lighted from the sides. There was a small Press for Books, and a Map of the World. I speak of our home School as an example of the rest. We had many American Teachers. Young men came "across the lines" in the Fall and engaged the Schools for the Winter, when whole families turned out to School. In the Summer term the younger children were usually taught by Female Teachers. . . .

*American Books.* We had Mavor's Spelling Book; and Spelling was a principal branch of study. Murray's English Reader was a very superior Book, and was said to have formed the best public speakers of the time, including Members of Parliament. We had Murray's Grammar, Walkingame's Arithmetic and Woodbridge's Geography and Atlas. The Americans sometimes introduced Peter Parley's Geography for the younger pupils, and Morse's for the senior. Morse's Geography was . . . unique in its system of classification and comparison. . . . We had also a History of the United States, which depicted the British soldiers in the darkest colours.\* . . . We had also Comstock's Philosophy, Scott's Lessons, and a Rhetorical Reader. Father always said that the English Reader was a good Book. Blackboards were introduced about 1840. They were objected to at first as gloomy looking in a School.

HAWKESBURY, 1896.

H. LOUISA WHITCOMB.

ERAMOSA. In 1845, I began teaching in the Township of Eramosa, on the York Road, five miles from Guelph. I was induced to take the School by a promise of a salary of fifteen dollars per month,—increased, I am pleased to say, to sixteen dollars during the first six months of my work in the School Section. Under the School Law then in operation, a Board of three Trustees governed the School Section, and Teachers had to obtain Certificates of Qualification. The Eramosa School was a vast improvement on the Building of the Adjala one. It was a spacious Log House, well constructed, and covered with a shingled roof. It contained good Desks and a Black Board, and two or three Maps. The Irish National Series of School Books were introduced shortly after my commencing work in Eramosa, and they certainly proved a valuable aid to Teacher and pupil, in Reading, Spelling and Ancient History. Modern School Books give more information in the art of Reading, perhaps, but they are barren of much of the interest, practical information and the high moral instruction contained in the Irish National Series. This is the opinion of an old Teacher.

GUELPH, 20th of April, 1896.

PATRICK DOWNEY.

\* For remarks on American School Books, see page 3 of the Third Volume of this History, and also the Statement, on the subject, made by the Reverend Alexander Macdonell, in Appendix Number Two of this Volume, page 307, *post*.



**EUPHEMIA.**—My first experience in teaching commenced in the year 1845, in the School Section in which I now live—Number Five in the Township of Euphemia. It was then a Union Section, embracing both sides of the River Sydenham. The School House was an unhewn Log House, somewhere about 24 feet square, roofed with clap-boards, with poles laid on lengthwise, to keep them in their place—the interstices between the logs “chinked,” as then termed, with slivers of wood, and with clay. The door was in the south, and a window in the east, lengthwise, of 7x9 glass, sufficient to give proper light.

**Furnishing.**—In the centre of the room was a box Stove. The Seats were made of slabs from the Saw Mill, with long wooden pins for legs. The Desks, which ran along the east side of the building were of wide boards, slanting, with a flat piece next the wall to receive ink stand, pens, etcetera. There were no other furnishings, save a common Desk and a Chair for the teacher. This Building served the double purpose of School and general Meeting House.

**School Books.**—The Text Books were about as primitive as the house itself, being the English Reader, Mavor and Cobb's Spelling Books, Lennie's Grammar and Daboll's Arithmetic. . .

**Ways and Means.**—As the annual School Meeting came round, there was generally a severe contest to decide as to the mode of raising the Teacher's allowance, and the length of time the School should be kept open during the year. Having a piece of ground of my own, and being Township Clerk at the time, I was thus enabled to live, at least, as comfortably as my neighbours.

**New Building**—As time passed on, we got a New School House built—quite an improvement upon the old one—of larger dimensions, and a frame, with cottage roof, a raised platform at one end, with Seats and Desks much improved, also a large Blackboard, and what was equally desirable, a much better class of School Books. I have but to name the Irish National Series, Readers and Arithmetics, Lovell's General Geography, an Orrery, also a set of large Outline Maps, consisting of the Two Hemispheres, Europe, Asia, Africa and America. The lessons on these were set to Music, the Teacher with a rod pointing out on the map the Countries, Mountains, Islands, Lakes Rivers, etcetera, as they were named and repeated—thus fixing the Lesson, by eye and the ear on, the memory of the pupil.

**Singing.**—At this time too, singing “Rounds” and “Ditties” were introduced, which was very cheering to the pupils, and enabled them to make better progress with their studies.

**Normal Methods.**—Another thing that helped us much, was an occasional Teacher from the Normal School, who came into the neighbourhood to teach, bringing with him improved methods of imparting instruction.

**The Bible.**—We read a lesson in the Bible each day, and, not infrequently, I commented thereon; nor do I recollect of any one finding fault with it. I can truly say, that was to inculcate with their education the principle of Temperance, Morality and Religion, and, I fain would hope, I did not altogether labour in vain.

**CAMDEN, DAWN AND ZONE.**—I taught in three other Sections, namely, Number Four, in the Township of Camden and Number Six, in the Township of Dawn, and another on the River Thames, in the Township of Zone. . . . The Buildings in these School Sections were much the same, being frame, and were better seated and desked. They had good Black Boards, but no other furnishings. . . . The pupils generally were of fair average intellect, studious and well behaved, and not a few of them became Teachers. I am now in my 78th year.

J. MILLS.

FLORENCE, April, 1896.

#### REMINISCENCES OF THE COMMON SCHOOLS FIFTY-TWO YEARS AGO.

In the 20th of June, 1843, I shaped my course from the County Down, Ireland, for Canada. I shall never forget the first of August the day I entered New York, I suffered so from the heat. Staying one day there, I left for Chippewa, in search of an Aunt. She, with other friends, easily persuaded me to apply the education I had received in a Country Academy in Ireland, to teaching in a Public School. . . .

**Hiring Teachers.**—The first requisite was a few lines from the Township Superintendent to one of the Trustees. These being, by my help, read, the next step was, “What wages do you want?” The second, “Will you ‘board around?’” I think the School Sections were not numbered then; every School, however, had a name—“The Yokum,” “The Sherk,” “The Irish Settlement,” “The Dirty Corners.” The word “Salary” was not liked. . . . “Wages” was the word. . . . “Engagement” was not liked, it seemed to carry the notion of a Bond. . . . “Hire” was the substitute. The rural School Houses were Log, and were raised by “bees.” . . . Before the School could be started, there was still another condition—the Teacher had to be “certified,” (and the new Teacher had to draw up a subscription list, and go through the School Section to get as many signers as he could. If he got enough at 75 cents a pupil, the School would open.

*School Books and Furniture.*—We had no specified series of School Books, Cobb's Spelling Book, Daboll's Arithmetic, Morse and Olney's Geographies were used, and Kirkham's Grammar. The School furniture was of a very primitive pattern : a plain deal Desk, long, hard and unplanned. Forms, standing on four legs, and sometimes on three, the missing fourth was sometimes otherwise supplied. There were no Globes, Clocks nor Black Boards. We knew that it was noon by a sun mark, but, if there was no sun visible, we left off when we saw men going to dinner.

Many of the Schools were temporarily filled by American Teachers of both sexes ; these young aspirants would come to visit their friends, who would help them in getting the Schools. . . . Some Schools were taught by disbanded old Soldiers, who generally had been well brought up, but who had been brought down by intemperence.

*Boarding Round.*—My first School was in Crowland ; and I began teaching there in April, 1844, at \$7 a month, and boarded around, week about. Some of the families I thought were more in need of board than able to give it. But I had to visit all the families, lest any would take offence. Very often, however, I stayed, by invitation, overtime. In one place . . . there was an American Minister, about my own age, who frequently stayed over night : I thought him pedantic, for he omitted no opportunity to minify what little education I had, that he might exalt himself in the estimation of the farmer's daughter. . . .

*Status of Teachers.*—Teachers, as a class . . . were thought to be of a lower *caste* than Preachers. There were two reasons for this : Teachers incomes were ignominiously small, and some drank. The fact of a man's seeking a School raised the suspicion at that time that he was good for nothing else. . . . The "Superannuated Teachers' Fund" made some changes for the better, in the case of Teachers, but not those anticipated by Doctor Ryerson. Its institution was, as I always thought, not so much for their benefit as for the Schools themselves. Doctor Ryerson assumed that the Teachers were capable of looking after their own interests ; although he seldom made mistakes in educational matters, yet he made one here, for the Teachers, in their opposition to the scheme, exposed their improvidence and illiberality. He was a great Educationist, a man of fine personnel, and an able debater :—I heard him for two hours on educational matters in the County Buildings of Halton.

JOHN IRELAND.

FERGUS, March, 1896.

*MIDDLESEX SCHOOLS.*—My first School was in Section Number 17, Westminster, County of Middlesex, commencing on or about the first of June, 1843. . . . Size of School House was about 20 x 16 feet, which I think was about the size of all the School Houses which I taught in subsequently, (except the two brick School Houses in which I afterwards taught). My School House was Frame ; lathed and plastered inside ; Writing Desks attached to the walls all round inside, except at one end. At this end, which was not occupied by the scholars, was the Teacher's Desk. There were also Seats for the scholars, who sat at the Desks, with lower Seats for the smaller scholars, placed front of the scholars who sat at the Desks. There were no large Maps, and no Apparatus. In the centre of the floor was a wood Stove.

*School Books.*—The Books I found in use when I commenced were Mavor's Spelling Book ; the New Testament ; the English Reader ; Daboll's Arithmetic ; Kirkham's Grammar ; and Morse's Geography. We afterwards, as the scholars progressed, exchanged the English Reader, New Testament and Mavor's Spelling Book for the Irish National Series of Readers ; Daboll's Arithmetic for the Irish National Arithmetic ; and Kirkham's Grammar for Lennie's Grammar. The scholars made fair progress. Many of them attended regularly all the time I taught there ; the progress they made proving the great advantage of regular attendance ; and the disadvantage of frequently changing Teachers.

*Superintendents.*—The Teachers were greatly helped in those early times, in their arduous duties and difficulties by able Local Superintendents, who were well qualified, and whom I always found willing to assist the Teacher in every possible way in their power.

LAMBETH, May, 1896.

ADOLPHUS ANDREWS.

*COUNTY OF PETERBORO'.*—I commenced to teach School in School Section Number One, Township of Dummer, in the County of Peterborough, on the 17th day of March, 1842, and taught until July 1, 1844. The School Room was in a hewed pine log School House, about 18 x 24 feet, with long board double Desks, and moveable board forms for Seats, on both sides of the long Desks. The House was well plastered, and "chinked" between the logs, and was well lighted, with large sized windows. It had a close boarded ceiling about eight feet high.

*Books.*—We had no Maps then, and I used Spelling Books and the old English Reader. We had also Walkingame's, Arithmetic, and some other American School Books, until the advent of the Irish National Readers, which were introduced into the Schools of Upper Canada by the late Doctor Ryerson, after he took office in 1844. The Reverend Robert Murray was Provincial

Superintendent during the time that I taught in Number One, Dummer. I then went to Otonabee, near Peterborough, and taught there until 1st January, 1846, in an old log dwelling House fitted up with Desks and Seats for a School Room. I used the same Books in this School as I did in the Dummer School, the Reverend Adam Stark was the Township Superintendent of Otonabee. . . .

PARRY SOUND, April, 1896.

JOHN QUINN.

COUNTY OF PETERBORO. My first Service as Teacher was in School Section Number 12, in the Township of Otonabee,—then known as the “Stewart Settlement” near the Town of Peterborough, in the year 1845. The Reverend Adam Stark was then School Superintendent.

*The School House* was built of hewed logs, “chinked” and plastered; its size was about 20 x 24 feet. The Desks were arranged around the walls; and there were long benches, without backs, for Seats. A large square box Stove heated the Room sufficiently, and two large windows,—one in each side, and a smaller one in the west end, lighted the Building. The Teacher’s Desk, was at the end, leaving sufficient room in front for recitation.

*School Books.* There were so many different Books (in the School at that time) that very little classification could be had. There was an average of about 20 pupils, perhaps a little more or less, according to the season, harvest time being the smallest.

*The Pupils.* I found the children in general obedient, agreeable, and polite in their manner, which I attribute very much to the Christian character of the majority of their parents.

*Fittings.* There was a small Blackboard in the School, and a Map, or two; but there was then no other Apparatus to assist the Teacher; but, a short time ago, in passing through that neighbourhood, I found a good brick School House had been substituted for the one I was in; and I have no doubt was well furnished with all the latest Fittings and Apparatus of the present times. The Country was cleared up, and there were beautiful brick Houses, large Barns, well cultivated fields, and every appearance of a contented, prosperous and happy people. Fifty years made a wonderful change!

TORONTO, April, 1896.

ALEXANDER ROGERS.

LEEDS. My first School began on the 1st of May, 1843, and closed on the 30th of September. The School House was Stone, with two writing Desks, at which the pupils sat facing the walls. There were no Maps, Blackboards, or other Apparatus. The Books used, were Mavor’s Spelling Book; Kirkham’s Grammar; Lindley Murray’s English Reader; Olney’s Geography and Atlas; and Daboll’s Arithmetic. The average attendance at the School was nineteen. My wages were \$8.00 a Month, and “board round.” I received my pay in Grain during the succeeding Winter.

The School was started, by my writing “an Article of Agreement,” and going about the neighbourhood, and getting the Fathers, and Guardians to sign their names, and, opposite them, the number of Children they would send to the School. When the canvas was completed, my paper showed an aggregate of 13 children “signed” for. . . . The School House was near the rear end of Lot Number 27, in the 10th, Concession of the Township of Kitley, County of Leeds. There were then no legally appointed Trustees, or regularly defined School Sections.

. . . . Inspectors, Councillors, and Municipalities, were terms unheard of. The public business of the Townships and Counties, was attended to, by a “Board of Commissioners,” and Justices of the Peace, appointed by the Government. . . .

My next School was in South Crosby. The School House was Stone; furnished with the best style of Desks and Seats known at the time, (1844-5.) Olney’s Geography and Atlas; Adam’s Arithmetic; Kirkham’s Grammar; Murray’s English Reader; and Mavor’s Spelling Book, were used.

It was about this date, (1841) that a new Common School Law was passed: also a Municipal Law. . . . County Inspectors were afterwards appointed, with authority to examine Teachers, and grant Certificates. As the School Terms were short, (from three to six Months,) I had leisure to spend the intervening time as a learner in some Select School, or Academy. I was a few Terms at a Seminary in Gouverneur, N.Y. . . . In my boyhood’s days, Teachers were peripatetic, getting employment where they could: and proprietors waited for them to come. I knew of some being engaged, and actually “put in their time,” who did not know the Multiplication Table, or how to work Simple Subtraction. Once, two of the best Educators in Leeds County, disagreed, as to the product of Two Shillings and Six Pence, multiplied by Two Shillings and Six Pence. They had a Bet on the matter, which was referred to the Master of a Grammar School, in Cornwall, named John Strachan, (afterwards Bishop) of Toronto, who gave the Answer. . . .

CLINTON, April, 1896.

N. L. HOLMES.



COUNTY OF WATERLOO. The different School Buildings in which I taught were all Log Houses, of a very common kind, and our advantages very few. But the little smattering of education, which the children received, was far better than none at all.

*The School Books* used in these parts at that time, were as follows: Olney's Geography; Daboll's Arithmetic; Bullions' English Grammar and Lindley Murray's English Reader. These Books were used until Doctor Ryerson made choice of the Irish National Series. Maps, excepting those in the Geographies, were altogether unknown before Doctor Ryerson's time. But Maps and other Apparatus began to improve immediately afterwards.

*Country Schools.* I may say that all our country Schools were, at that time, very similar. The Desks consisting of board tables, with a slanting top, and were placed against the wall, along the two sides of the Room. These were supplied with benches, the pupils thus sitting with their backs toward each other.

DONALD MCKAY.

WINTERBOURNE, April, 1896.

#### VARIOUS SCHOOL RECORDS BY OTHER PARTIES.

In addition to the foregoing, I insert the following additional historical records of Town Schools:

STRATFORD. From an elaborate and interesting account of the Common Schools of Stratford, prepared by His Honour Judge Woods of that Town, I select those portions of it which bring the records of the Schools there down to the year 1846. Judge Woods says:—

Fifty-one years ago this month of January, 1896, the first Public School was opened in what is now the City of Stratford. The first Teacher was Mr. Alexander McGregor, afterwards Deputy Clerk of the Crown in this County, and who died three or four years ago in Texas.

I have always had the impression that the Stratford School was opened during the year 1844, but having made enquiries of old settlers, I am unable to obtain confirmation, or the reverse. My impression is, however, that pending the completion of the arrangements for a regularly established School under the Statute, that Mr. McGregor, a Certificated teacher from Scotland, taught for some months in 1844, in what, during that period, would, of course, be a voluntary School; but whether that be so or not, the Writer attended the opening of the first Public, or quasi-Public, School in Stratford, and can well remember the many anxious conferences between Mr. McGregor and the Writer's Father on the subject.

Any person who has any curiosity on the subject can see a list of the scholars attending the first Public School opened in Stratford in 1845, in Mr. McGregor's perfect handwriting, framed and hung up in the Central School. I think the number is thirty-five; and two or three years ago I was somewhat struck with the fact that over one-half of the number were (then) still alive.

Until 1847, we have no records of our Public Schools, except such as the list of the scholars, and, contained therein, mention of the studies pursued, affords.

It must be remembered that Stratford was not then a City, or a Town, or even an Incorporated Village. So weak was the "settlement" that the School Section was known as Number One, Union Section of Downie, Ellice, North Easthope and South Easthope, and, accordingly, portions of these Townships were taken in, in order to give a sufficient population to support a School.

It must be remembered also that in those earlier days, Market Square was still covered with forest trees, or only newly cleared. Albert Street—in front of the Windsor—was either uncleared of the original beech trees, or covered with brush heaps, while the balance of the embryo City was, for the most part, primeval forest.

Why are there no school records, (minutes,) prior to 1847? Perhaps there were none; if any there were, it is feared they were lost. The School, if legally organized, was so organized under 4th and 5th, Victoria, Chapter 18, passed in 1841. Although there were previous Acts passed by the Legislature of Upper Canada, they were repealed; and the Act referred to, passed by the Legislature of the then newly United Provinces of Upper and Lower Canada, may be justly said to be the foundation of the Public School System of this Province.

It ought not to be overlooked that here, (51 years ago, we have (if not before) a distinct recognition of the principle of Separate Schools.

Now, then, we have a kind of key as to why we have no records, or rather Minutes, (of the School Managers,) apart from the list of pupils of the Stratford School, for the three years prior to 1847. Mr. Alexander McGregor was, in those days, a most careful man, and would have been sure to have fulfilled his duties to the letter. The "Trustee" era had not come in, . . . and it can easily be understood that, in those early days, the School Commissioners at large would not be likely to do much in that way. In the Act of 1846, the directions were more precise, and, in Mr. McGregor's time, at all events, the duties of Secretary were most faithfully performed.

Assuming that Mr. McGregor commenced teaching in 1845, (see list of pupils in Central School framed), it is within the memory of the Writer, that he ceased teaching sometime in 1846,—probably just before the Christmas holidays.

The James Woods mentioned as one of the first Trustees was the Father of the present Judge of this County; Mr. Vanstone, the Father of ex-Alderman Vanstone; Mr. Hunter and his family have all disappeared from this locality. (*Stratford Evening Herald, January 26, 1896.*)

LONDON. The first Government appropriation for the support of Common Schools was made in the year 1841; but no substantial progress was achieved in providing for the educational requirements of the people until 1844, when Doctor Ryerson was appointed Superintendent. The Government grant was apportioned on the basis of attendance, and was paid to the Teachers, sometimes not very regularly, in half-yearly instalments. The School Houses had to be provided by local taxation, and very plain Buildings, generally log houses, served as Schools for many years. There were but few Brick School Houses to be seen in this part of Canada prior to the year 1860.

The Village of London in 1844 consisted of four wards—St. George's, north of Dufferin avenue; St. Patrick's, between Dufferin avenue and King street; St. Andrew's, between King and Bathurst streets, and St. David's, south of Bathurst street. Each ward was a separate School district, managed by its own Trustees.

The St. David's ward School was kept in the building erected on Horton street by Mr. Taylor, who taught it under the new School law, till he resigned in December, 1847.—*From a Sketch of the London Schools, by Mr. Nicholas Wilson.*

#### PRIVATE SCHOOL HAMILTON. The Reverend Canon Bull says:—

A noted Private School was established in the Town of Hamilton, in 1843, by the late Very Reverend Dean Geddes, M.A., D.C.L.; Rector of Christ's Church there. It was held in the basement of that Church. The number of pupils was at first, limited to five, but it soon . . . increased to forty-five or fifty, and the School became a flourishing Boarding and Day School under Principal Geddes and an assistant Teacher—the graduate of an English University. The Principal was a strict disciplinarian, methodical and a strong advocate of thorough work from his pupils. The motto of the School was—(*Horace iv, 4*) "Doctrina sed vim promovet insitam Rectique cultus pectora roborant Utinque defecere mores Indecorant bene nata culpe."

Besides the usual curriculum of English, Classics and Mathematics, French and German, a chief feature in it was Religious Instruction. . . —Reading and Study of the Bible, . . . and also including the Study of the Church Catechism, Church History and Christian Evidences. The value of this course became apparent in the useful lives of the lads in after years, with few exceptions. Mr. Geddes continued the School for about eight years, when he resigned in favour of the Reverend J. G. D. Mackenzie, M.A., a ripe Scholar and a most efficient Teacher, and afterwards an Inspector of Grammar Schools. . . He was followed by the Reverend J. A. Morris, M.A., who confined his attention to older pupils preparing for Matriculation. The School continued from its commencement to its end—about twenty-five years.

NIAGARA FALLS SOUTH.

GEORGE A. BULL.

#### OTTAWA GRAMMAR SCHOOL. Doctor J. Thorburn thus writes:—

The Ottawa Grammar School—now the Collegiate Institute—was established in 1843, at the time when the Bathurst District was divided, and the eastern division became the District of Dalhousie.—now the County of Carleton. Mr. Thomas Wardrope—see page 121, *ante*.—now the Reverend Doctor Wardrope of Guelph, was the first Head Master. He received his appointment from Governor General, Sir Charles Metcalfe, and held office from 1843 to 1846.

WOODSTOCK GRAMMAR SCHOOL. After the passing of the Act for the Advancement of Education in 1839—(Page 170, of the Third Volume)—one of the first Grammar Schools which was established was that of Woodstock, in the centre of the Brock District. The date of its establishment was 1843. . . The First Head Master was Mr. John Somerville, who held the post for three years. (*Woodstock Collegiate Quarterly, January, 1894*).

PERTH.—The Special Committee appointed to collect information in regard to the Schools of Perth, say that about the year 1845, Messieurs Murdoch McDonnell and W. O. Buell were prominently active in promoting a union of Schools.

Local Trustees took charge of the Education of the Town, and, by way of experiment, turned the then private and public Schools into Ward Schools, under one supervision.

The D'Arcy street School became the West Ward School. The Centre Ward School was on the corner of Drummond and Herriott streets. The East Ward School was on Brock street eastward from Cox's corner.

The next step the Trustees took was the concentration into one building of all these Schools. This was done in 1846.

BARRIE GRAMMAR SCHOOL.—His Honour Judge Ardagh furnishes the following information :—

The first Commission, issued by Sir Charles Metcalfe, Governor General, on the 3rd day of August, 1843, appointed the Reverend S. B. Ardagh, A.M., T.C.D., Rector of Barrie, (Chairman), Messieurs Jacob Emilius Irving, Elmes Steele, James Dallas and Archibald Pass, M.D., (who acted as Secretary), as a Board of Trustees for a Grammar School in the District of Simcoe. All these have long since passed away.

The first Meeting of the Board was held on the 9th of August, 1843, when it was ordered that advertisements for a Head Master should be inserted in the *Toronto Patriot* and the *British Colonist*.

The second Meeting took place on the third of October following, when Judge, (now Senator,) Gowan took his place as a Member, in the place of Captain Irving, who had resigned. Mr. (afterwards Judge,) Gowan from that time continued to be a Member of the Board, (and Treasurer) from May, 1844, till September, 1871, when at the first Meeting of the High, (which then took the place of the Grammar,) School Board, he was elected Chairman, which position he continued to hold till his resignation in June, 1892.

At this second Meeting of the Board, nine applications for the Mastership were received, but only two, Mr. Frederick Gore, of Trinity College, Dublin, and Mr. John Rogerson, came up for examination. The former was chosen.

At the next Meeting, on November the 17th, the fees were fixed at £1 per quarter, (\$16 a year), for pupils in classics, etcetera, 15/- per quarter, (\$12 a year) for the intermediate ones, and 10/- per quarter, (\$8 a year) for the preparatory classes, with the addition of \$1 for fuel in the Winter.

The hours of study were directed to be from 9 to 12 in the forenoon, and 1 to 4 in the afternoon, during the Winter season; the afternoon hours being, in the Summer season, from 1.30 to 4.30. On Saturdays, a half holiday was allowed. The vacations appointed were, in Summer, from July 1st to the 31st, and at Christmas, from December 25th to January the 1st.

At the first annual examination, on the 29th June, 1844, the following pupils appear as prizemen: Samuel Lane, Joseph Tyson, Alexander Pass, George Moberly, Walter Moberly, Harry McVity, Thomas Drury, John McVity, John Wilson, Samuel Richardson, Edward Coats, Thomas McVity, Thomas Ambler, George McVity, Maurice Hewson, Thomas Graham, Frederick Bingham and John Creasor. Of these but some half dozen still survive.

During this year and for some years subsequently, the School was held in a room in the Court House—that on the ground floor, in the east end, now occupied by the Clerk of the County Council.

After the Summer vacation this year, a number of new pupils entered, among which appear the names of John A. Ardagh, (the present Chairman of the Board), and his brother Arthur, while later on appear the names of Harry J. Moberly, Samuel Lount, William Lount, Alexander W. Simpson, J. C. Simpson, Walter Thompson, Charles Stewart, Albert Berezy, Thomas Anderson and David Mitchell.

During the year 1845 Robert F. Hutchins, a nephew of Mr. Gore, and Patrick A. Smith, were engaged as assistant Teachers.

VIENNA.—Mr. J. Thomas Gamble, Secretary of the School Board, says that about the year 1843, a substantial School House was erected on the west side of Main Street, and here the work of education was carried for some years, by the following able Teachers: Mr. S. Newcombe, Miss Violet Alexander, Doctor J. H. Wilson, (ex-M.P., of St. Thomas), Mrs. Jesse Ball, Mr. J. W. Jones, (who afterwards established a Commercial College in London), Miss Doyle, Messieurs Charles Hankinson, John Hutton, Thomas Adams, Warren Lyons, etcetera.



AURORA.—Mr. William Willis, Secretary of the School Board, says that, in 1844, a Log School House was erected on the Kennedy Farm, at Aurora, (late Matchell's Corners), which is still extant, and Messieurs Morrison and Forming, (being the Teachers), succeeded by Mr. (now the Reverend Robert) Mosley, of Parry Sound, who taught the School for about eight years.

GOODWIN'S SCHOOL HOUSE WOODSTOCK. Mr. Kemp, Chairman of the Public School Board, states in his Letter on the subject—

That Goodwin's School House was built by subscription in 1839 to be used as a Common School, and to be open for the accomodation of the inhabitants of Woodstock as an occasional place of Worship. (Mr Kemp gives the names of the subscribers, and states that the Grammar School was projected at a Meeting held at the "Woodstock Hotel" on the 7th of April, 1841, over which Mr. R. R. Hunter presided. It was then agreed "to take the necessary steps to get a Grammar School erected in the Town of Woodstock")

PORTSMOUTH. Mr. William Graham, Secretary of the School Board writes:—

The first Public School Teacher's name was a Mrs. Mosier, who taught in a Private Building in the year 1845. The School was known as that of School Section Number One in the Midland District. The School was moved shortly afterwards to a Building opposite the Penitentiary Gate, which had been used as a Blacksmith's Shop for a Cavalry Troop which was stationed here.

(NOTE. I have a number of other sketches of old Schools, as well as School records,—many of them without date, or any mention of the place where the Teacher, who writes, may have taught. I am, therefore, compelled to omit several of the "reminiscences" of old Teachers which I have received. I do not desire to insert more of them in this Volume).

VICTORIA COLLEGE has already greatly conduced to the educational and religious interests of Canada, and continues to present high claims on our Church and the Colony, and it is our conviction that a public-spirited, not to say pious, remembrance of those claims, on the part of Parents and Guardians, is a duty which should without delay be performed by them and others, that so noble an Institution may be still more commanding and beneficial in its influence. (*Conference Address, 1845*).

#### COINS DEPOSITED IN THE CORNER STONE OF KING'S COLLEGE UNIVERSITY, 1842.

The following is a list of the Coins, etcetera, deposited in the Foundation-Stone of the Building of the University of King's College, on the 23rd day of April, 1842. (See page 205, of the 4th Volume of this History.)

Gold.....	Jacobus.....	James I.....	
Silver.....	Three-pence.....	Charles II.....	1679
Brass.....	Half-penny.....	James II.....	1689
Copper.....	do.....	William and Mary.....	1692
Silver.....	Shilling.....	Anne.....	1711
Gold.....	Quarter Guinea.....	George I.....	1718
Silver.....	Shilling.....	George II.....	1745
Gold.....	Guinea.....	George III.....	1790
do.....	Half-Guinea.....	George III.....	1818
Silver.....	Crown Piece.....	George III.....	1820
do.....	Shilling.....	George III.....	1787
do.....	do.....	George III.....	1817
do.....	Three-pence.....	George III.....	1762
Copper.....	Penny.....	George III.....	1807
do.....	Half-penny.....	George III.....	1807
Silver.....	Shilling.....	George IV.....	1826
do.....	Six-pence.....	George IV.....	1825
do.....	Penny.....	George IV.....	1825
do.....	Half-crown.....	William IV.....	1834
do.....	Shilling.....	William IV.....	1834
do.....	Six-pence.....	William IV.....	1834
Gold.....	Sovereign.....	Victoria.....	1839
Silver.....	Shilling.....	Victoria.....	1839
do.....	Six-pence.....	Victoria.....	1839
do.....	Four-pence.....	Victoria.....	1838

A Dollar note of the Bank of Upper Canada.

A Hebrew Testament.

A Greek Testament.

An English Testament.

The Amended Charter of the King's College University.

The Church Newspaper, Number 42, Volume 5, dated 23rd of April, 1842.

Upper Canada College Register, 1839.

Upper Canada College Register, 1840.

**IROQUOIS HIGH SCHOOL.** In a Letter, written to the Education Department in 1843, the three Commissioners of Education for the Township of Matilda, on the subject of the establishment of a Grammar School in the Village of Iroquois, they thus described the School then in operation :—

The present School [in the Village] is composed of School division Number Three in the First Concession of Matilda, and is very pleasantly situated on the Bank of the River St. Lawrence, a few rods from the Steamboat Landing, in a densely settled neighbourhood,—the inhabitants taking a lively interest in the Education of their Youths ; and they have manifested that interest in a very handsome manner in the erection of the present School Building,—being made of stone, 24 by 36 feet, divided into three rooms, very comfortably finished ; and the inhabitants further offer to add any other buildings that may be required to constitute it a Grammar School, agreeable to the 6th section of the School Lands Act, passed in 1841, (4th and 5th Victoria, Chapter 19,) providing the said buildings do not cost over £200-0-0.

The present School has been kept constantly for the last two years and upwards, at the expense of £60 per annum for the Teacher alone. The Teacher, Mr. John J. Kerr, is a Gentleman, who has formerly been an Officer in the British Army, and who is well qualified as a Teacher,—to which the progress of his pupils give ample testimony,—he having advanced them even beyond the most sanguine expectations of their parents. The number of pupils in daily attendance has been from thirty to forty, and have now advanced to upwards of fifty scholars, with still further applications for admittance. These applicants would readily be admitted, were the (proposed Grammar) School properly established, and the proper assistance afforded.

At the Jubilee celebration of this School, (now the Iroquois High School,) held in September, 1894, a number of reminiscences of the early days of the old Grammar School, which had been established in 1844 were related by the Speakers present. Mr. James A. Carmen, B.A., said :—

My own first recollections of the old Seminary are not among the least lively of my history. I am reminded of the small School Room on the first floor, at the southwest end of the old Building. This room was not especially elaborate or elegant in its appointments and furniture, and was occupied by a score or more of pupils presided over by Mr. Cowan, the then Head Master.

A striking contrast, this School to-day with its modern language specialist, its mathematical expert, its classical devotee, its elaborately equipped science department, and its specially trained science Instructor, its Museum, its Library and its well furnished and commodious School Rooms.

And this School is only one of the many institutions of its class scattered over Ontario. These, in many cases, have been developed from like modest beginnings, and have been evolved under the Ontario School system—an educational system justly the pride of Canadians, since the Schools are doubtless, at least, equal to any of the Continent. This excellence has been attained by steady and wise advances, and the pupil of the present enjoys privileges and advantages that would have been marvels and wonders educationally in our school days. While all this is true, is there not ground for the suspicion that, to some extent, at least, the work of the Ontario Schools is machine work, and that the product smacks of the factory ! It is all very well for the psychologist and the psycho-physicist to look with supercilious air toward the days of the ferule, of the Log School House and of the grotesque country School Teacher. Did not the true-hearted, earnest, ingenuous Teacher, often, amid unfavorable surroundings, succeed in instilling and stirring up an interest that produced fine results in the development and culture of the pupils in his charge !

With all the advantages of modern methods, does it seem so certain that educational results are so decidedly in advance ! How do our reading habits and tastes compare with those of our fathers and grandfathers ! Were they not quite as apt to read and appreciate a good book as we !

Locally, provincially, nationally, are our leading men in public places broader, larger, better educated in the true sense of the term, than Canadians in similar positions have been for a few generations back !

I simply suggest. I do not depreciate nor undervalue what has been and is being accomplished, but it has seemed to me sometimes that the forms and theories and “ists” and “isms” and strait-jackets were in danger of quenching, or at least hampering and discouraging, true educational enthusiasm :

Mr. J. S. Carstairs contrasted the status of education in Ontario to-day with that of 50 years ago, when [the Gore District Council, in 1847,] adopted a [Memorial to the Legislature] against establishing a Normal and Model School, and said that trained Teachers would be "altogether unsuited to a Country like Upper Canada. . . . Nor do your Memorialists hope to provide teachers by any other means in the present circumstances of the Country than by securing as heretofore, the services of those whose physical disabilities from age render this mode of obtaining a livelihood the only one suited to their decaying energies."\* Mr. Carstairs eloquently eulogized the late Mr. John A. Carman and the other founders of the Iroquois Seminary, and spoke feelingly of the days when the "three C's"—Carman, Carstairs and Casselman—were the staff. He also gave reminiscences of his boyhood days in the School, speaking of the debating society that was christened the "Linnekin Club."

Doctor Harkness pictured graphically the typical backwoods School which he left to come to the Village—a little log cabin, with two windows. Benches without backs, that could be moved toward or from the Stove, and Desks against the walls. There was no paint, but sometimes whitewash was applied. The nearest House was half a mile away, and he had often gone thither for water. When he came to the Grammar School there was no provision for scientific teaching, and he and others who had a strong predilection in that way got up classes for themselves.

(NOTE.—There were several other Speakers at this Meeting, but they did not give any further historical details.)

#### STATE OF COMMON SCHOOL EDUCATION IN UPPER CANADA, IN 1845.

In preparing the *Ryerson Memorial Volume*, published in 1889, I compiled for that Volume a Statement, showing the condition of the Common Schools in Upper Canada in 1845, just before Doctor Ryerson had commenced the practical work of improving the condition of these Schools. The information was compiled from the Reports then made to him by the County Superintendents of Schools. The following extracts show what was the actual state of Education in the Province when Doctor Ryerson commenced his labours as Superintendent of Education.

Mr. Hamilton Hunter, Superintendent of Schools in the Home District, (County of York), in his Report for 1845, says:—

"There is one fact with which I have been forcibly struck, in my visits to the Schools, which shows, in the clearest manner, the great necessity that existed in this Colony for the establishment of a system of Common School education. It is this: That in our Schools the amount of attainment, on the part of the pupils, is generally in an inverse ratio to their size and age, after they have reached their twelfth or thirteenth year. The largest scholars that attend our Schools are by far the lowest in point of attainment, which shows how sadly the education of that portion of the community, now about to attain the years of manhood and womanhood has been neglected. In many of our country Schools, it is a very common thing to find persons advanced to the age of young men and women commencing to learn the first rudiments. The mind feels pained upon contemplating this; but it is gratifying to think that a remedy has been provided against it in the establishment of our Common Schools, by which the elementary branches of education are brought within the grasp of all. It leads us to reflect upon the melancholy state of ignorance that must have existed at no distant period in this Province had no means been provided other than those which formerly existed for placing the elements of knowledge within the reach of the rising generation."

The Honourable Hamnett Pinhey, Superintendent of Schools in the District of Dalhousie, (now the County of Carleton), in his Report, says:—

"The Common Schools are very indifferently conducted, and the Masters in general very inadequately perform the duties required of them; a reform is expected from the establishment of the District Model School."

\**Ryerson Memorial Volume*, page 83.



The Reverend Alexander Mann, M. A., Superintendent of Schools in the Bathurst District, (County of Lanark), says :—

“In existing circumstances I have declined giving a regular Certificate to any Teacher. . . . I made an effort on my own responsibility, and at my own expense to improve Teachers, by opening a private School, solely for their benefit, but as I did not meet with proper encouragement, I was obliged to relinquish my purpose.”

Mr. Richey Waugh, Superintendent of Schools in the Johnstown District, (Counties of Leeds and Grenville), says :—

“The Trustees of many Schools employ Teachers only for whatever time the School Fund will pay their wages, and they receive but little benefit from the public money thus expended.”

Mr. Patrick Thornton, Superintendent of Schools in the Gore District, (Wentworth County), says :—

“It is a matter of regret that the old parrot system of repeating words without attaching ideas to them, does still in too many instances prevail ; and the dregs must remain till some of the old formal Teachers are off the field.”

The Reverend Newton Bosworth, F. R. S., Superintendent of the Brock District (Oxford County), says :—

“The diversity of Books and modes of teaching referred to in my last Report, still exists, nearly to the same extent ; and in the qualifications also, as great a variety was observable as before. . . . It appears to me that parents should be impressed, to a much greater extent than at present, with a sense of the necessity and importance of education for their children.”

Mr. George Duck, junior, Superintendent of Schools in the Western District (County of Kent), says :—

“In many Townships little or nothing was raised by rate-bill. In many places the poverty of the settlements prevented it ; and the only School that was kept open in these districts was just during the time that the allowance from the aggregate fund was sufficient to pay the Teacher. This course is, in fact, of very doubtful benefit, as the School is seldom kept open for more than three months in the year, and the children lose so much benefit continuous education produces.”

Doctor Ryerson, in his Report for 1845-46, speaking of the condition of the School Houses in the Province, in 1845, says :—

“With few exceptions, the School Houses are deficient in almost every essential quality of places adopted for elementary instruction. Very few are furnished with anything more than Desks and Forms of the most ordinary kind, and have no Apparatus for instruction, nor appendages, or conveniences either for exercise, or such as are required for the sake of decency.”

NOTE in regard to the following Chapter relating to the condition and Education of the Indians, I have had access to the following pamphlets :—

First, Second, Third, Fourth, Fifth, Sixth and Seventh Annual Reports of the (Church of England) Society for Converting and Civilizing the Indians. . . . York, Upper Canada, 1831-1838.

Report on the Indians of Upper Canada : By a Sub-Committee of the Aborigines Protection Society. London, 1839.

The Origin and History of the North American Indians. . . . Compiled by J. Mac-kintosh. Toronto, 1844.

Report by Commissioners appointed by the Governor-General, on the Affairs of the Indians in Canada, laid before the Legislative Assembly, 20th March, 1845.

Minutes of the General Council of Indian Chiefs and Principal Men, held at Orillia, Lake Simcoe Narrows, on the 30th and 31st July, 1846. Montreal, 1846.

History of the Ojebway Indians. . . . By the Rev. Peter Jones, (Kahkewaquaonaby) Indian Missionary. London (not dated).

Journal of the Rev. Peter Jacobs, Indian Wesleyan Missionary. . . . Toronto, 1853.

The Hudson Bay Company, Canada West, and the Indian Tribes. London (not dated).

Proceedings of the Twentieth Annual Meeting of the Aboriginal Protection Society. May, 1857. London (not otherwise dated).

New England Company : Return of the Income and Expenditure of the New England Company ; with copies of Charters. Printed by order of the House of Commons. London, 1858.

Journal of Education for Upper Canada. March, 1865.

Education of the Indians in the Dominion of Canada. By Samuel Woods, M. A., Ottawa Ladies' College. (Prepared, at the request of J. G. H., for the Educational Congress at New Orleans, 1885.) Washington, 1886.

## CHAPTER XXVII.

## THE CONDITION AND EDUCATION OF THE INDIANS OF UPPER CANADA.

I have already given, in preceeding Volumes of this Documentary History, information, more or less in detail, of the efforts which had been made in years past to provide educational, or other, means to civilize and benefit the Indian Tribes of Upper Canada.

The Imperial Government being desirous of making a change in the mode of granting annual presents to the Indians in Canada, as suggested by the House of Commons, directed the Governors of these Provinces to furnish it with information on the subject.

With a view of obtaining this information, Sir Charles Bagot, the Governor General of Canada, issued a Commission, (in 1842), to Messieurs William Rawson, John Davidson and William Hepburn, to inquire into the actual condition of the Indians in that Province—religiously, educationally and materially. The Report of these Commissioners was laid before the House of Assembly in March, 1845, and is an extensive one. I only insert extracts from those portions of it, which refer to Education and Schools among the various Tribes and groups of Indians in Upper Canada. This information, together with that given on pages 40, 197, 206-210, of the First Volume, and on pages 11, 122, 241, 243, 248, 250, 346 and 348 of the Second Volume, of this Documentary History, will be found to be of special interest.

In selecting the following extracts from the Commissioners' Report, I have prefaced them with some historical references, so as to make the condensed narrative the more intellegible and interesting. The extracts which I have made from this elaborate Report are as follows :—

*Historical reference.*—In the year 1670, and during the reign of Charles II, a code of instructions was issued for the guidance of the Governors of Colonies, from which the following are extracts :—

“Forasmuch” it is there said “as most of our Colonies do border upon Indians, and peace is not to be expected without the due observance and preservation of justice to them, your are, in Our name, to command all the Governors that they at no time give any just provocation to any of the said Indians that are at peace with us.

With respect to Indians who desire to place themselves under British protection, the instructions were that they should be received ; and that the Governors—

“Do by all ways seek fairly to oblige them and that they do employ some persons, to learn the languages of them and that they do not only carefully protect and defend them from adversaries, but that they more especially take care that none of our own subjects, nor any of their servants do any way harm them. And that if any shall dare to offer any violence to them in their persons, goods or possessions, the said Governors do severely punish the said injuries, agreeable to right and justice.  
... (Page 3).

After an extended historical review of "the Relations between the Government and the Indians," the Report points out in detail the proceedings of the Government with the Indians during the succeeding years, as follows :

It appears that Earl Bathurst, the Colonial Secretary, in the year 1822, and Viscount Goderich, holding the same office in 1827, contemplated a reduction of the Indian Department, with a view to its ultimate abolition. Lord Goderich suggested the commutation of all payments then made in goods, including annuities and presents, into money.

#### FIRST MOVEMENT TOWARDS THE CIVILIZATION AND EDUCATION OF THE INDIANS.

General Darling pointed out the necessity of more active steps being taken to civilize and educate the Indians, and suggested the substitution of stock and agricultural implements, for the goods given them in payment of their annuities.

The above suggestion was approved by Sir George Murray, Colonial Secretary, on the 3rd of December, 1828, who, at the same time divided the government (in England) of the Indians, and placed them under the Superintendence of the Governors of the respective Provinces. . . .

This important change of transferring the Indians from the charge of the Military Authorities to that of the Civil Governors in both Provinces of the Canadas, was introduced in 1830, by Sir George Murray, the Colonial Secretary. . . .

In the meantime, however, Sir John Colborne, then Lieutenant-Governor in Upper Canada, had sought permission from the Home Government to apply the amount of the annuities towards building Houses, and purchasing agricultural implements and stock for the Indians entitled to such payments, who might be disposed to take up a fixed abode in the Province. . . . (Page 7.)

Sir George Murray, in his Despatch of June, 1830, on this subject, notices the favourable opportunity offered by the increased disposition of some of the Indians to alter their mode of life. He repeats a former injunction to the Government to encourage, in every possible manner, the progress of Religious knowledge and Education generally among the tribes, and expresses—

"His decided opinion that these inestimable advantages should be allowed to follow in through whatever channel they may find their way."

He also recommends the substitution of presents which would be likely to produce a taste for agricultural pursuits, in lieu of those calculated to keep alive in the Indians their passion for the chase, and adherence to their warlike propensities.

#### SIR JOHN COLBORNE'S PROJECT FOR GROUPING THE INDIANS.\*

In that same year (1830) Sir John Colborne reported that certain Indian Tribes, comprising a few hundred individuals, had been placed under the charge of a Superintendent of the Indian Department, and urged to clear a tract of Land between Lakes Huron and Simcoe ; that he had directed houses to be built for them on detached lots, and that they were clearing ground for farms. Agricultural implements had been procured for them, experienced farmers had been engaged to instruct them, and School Masters appointed to educate their children.\*

The successful results of this first experiment is described in an interesting Report of Mr. Thomas G. Anderson, the Superintendent, transmitted five years subsequently (in 1835) to the Secretary of State.†

Similar measures were reported in 1830, to be on trial at the Indian stations on the Rivers Thames and St. Clair. The result has been alike beneficial.

The expense of these measures, (which were subsequently extended by Sir John Colborne to other tribes), was defrayed out of the surplus of the Parliamentary Grant, and from the Indian annuities. (Page 8.)

About the year 1834 the project of collecting at the Manitoulin Island the small Band of Indians hitherto scattered over the northwestern parts of Upper Canada, was named.‡ This Island, which is situated on the northern side of Lake Huron, and is in extent one hundred miles long by thirty wide, appeared well suited for the purpose.

\*See page 129 of the Fourth Volume of this History. †*Ibid*, page 120.

‡See Sir John Colborne's Despatch on this subject on page 120 of the Fourth Volume of this History.



## PROJECTED REFORMS IN THE GRANTING OF PRESENTS TO THE INDIANS.

In the year 1835, a Select Committee of the House of Commons, on Military Expenditure in the Colonies, reported :—

“That from the evidence taken, and to which they refer, (they recommend) that the Indian Department be greatly reduced, if not altogether abolished ; . . . and also, whether any arrangement may not be made to dispense with such distribution of presents in future, or to commute the presents for money.”

In consequence of this Report, Lord Glenelg, the then Secretary of State for the Colonies, addressed a Despatch to the Governors of both Provinces from which the following extracts are made. Lord Glenelg said :

. . . 4. If you should, upon investigation, find reason to conclude that the well being of the Indians would be promoted by substituting an equivalent in money, in lieu of articles at present issued, or a portion of them, you will consider yourself at liberty to effect such a commutation. . .

## EDUCATIONAL INSTRUCTION AND RELIGIOUS IMPROVEMENT THE OBJECT IN VIEW.

5. Looking, however, to the moral and religious improvement of the Indians, and their instruction in the arts of civilized life, as the principal object to be kept in view in our intercourse with these Tribes, I am anxious that your inquiries should be specially directed to practicability of effecting a commutation of the presents for some object of permanent benefit and utility to the parties now receiving them. . .

6. From the Reports in this Department, it appears that, not only among the more settled and civilized Tribes, but even among those inhabiting the remote Districts of Canada, a strong desire for knowledge has recently been evinced in Upper Canada. Schools have been established by (Religious) Societies and private individuals, and these Schools are said to be well attended. . .

7. His Majesty's Government would be prepared, should you think such a measure practicable, and if the consent of the Indians can be obtained to it, to sanction the application of at least a portion of the sums now expended in the purchase of stores and presents, to the erection of School Houses, the purchase of elementary Books, and the payment of resident School Masters, for the benefit of the Indian Tribes. . .

8. If the distribution of presents be not continued, whether by reason of their commutation for money, or of the application of the price of them to purposes connected with Education, the services of the Indian Department might still be more easily dispensed with. . .

On the point of employing part of their allowance towards the furtherance of their Religious and moral improvement, they urged, that, although willing to be instructed, yet, as their white brethren in the Province were provided with the means of Education at the public expense, they did not think that they ought to be called on to give up a portion of their small allowance for these Educational purposes. . . \*

## PROMOTION OF AGRICULTURE AND ELEMENTARY SCHOOLS ADVOCATED.

To Sir George Arthur, who succeeded Sir Francis Bond Head, in the Government of Upper Canada, Lord Glenelg, the Colonial Minister, wrote as follows :—

1. I recommend to your consideration the means of encouraging and promoting among the Indians the pursuits of Agriculture.

(NOTE.—Then follows the remainder of this Despatch, which is given on pages 123, 4 of the Fourth Volume of this History.)

In consequence of this Despatch, Sir George Arthur directed the whole subject of Indian Affairs in the Upper Province to be thoroughly investigated by Mr. R. A. Tucker, the Provincial Secretary, and a Member of his Cabinet; but the attention of that Gentleman having been called to other duties, the task was assigned to Mr. Justice (afterwards Sir J. B.) Macaulay, who in April, 1839, presented to Sir George Arthur, a lucid and valuable Report.†

In the latter part of the same year, (1839,) the Indian Department came under investigation, in consequence of an Address from the House of Assembly on the 9th of May, 1839, to the Lieutenant-Governor, praying that he would order an investigation into the business, conduct, and organization of the several public Departments. The inquiry in regard to the Indian Department was conducted by Vice-Chancellor Jameson, Mr. Justice (Sir J. B.) Macaulay and Mr. William Hepburn.‡

\* See Conference with Indians on this subject, on page 296, *post*.

† See page 119 of the Fourth Volume of this History. ‡ *Ibid*, page 229.

The Commissioners confined their first Report, which appeared in February, 1840, to the subject of the Department, and they did not subsequently resume their labours.

The Report, however, was printed and became public, although it was never formally adopted nor transmitted to the Secretary of State, and its recommendations were never carried out.

At the Union of the two Provinces, Lord Sydenham remodelled and combined the various public Departments, with the exception of that connected with the Indians, which, from the want of sufficient information and the many difficulties with which the whole question of Indian Affairs was surrounded, he was obliged to leave untouched. (*Report on the Affairs of the Indians in Canada*, pages 1-13. *Laid before the Legislative Assembly on the 20th of March, 1845.*)

#### RELIGIOUS INSTRUCTION OF THE INDIANS.—AN INCIDENT.

From a Journal kept by the late Thomas G. Anderson, Superintendent of Indian Affairs in the early Thirties, during his journey from Coldwater, Lake Simcoe, to the Manitoulin Island, Lake Huron, in June, 1835, Mr. Anderson thus describes an interview with the Indians, after a religious service with them, which was held by the Reverend Adam Elliot, Church of England Missionary at the Grand River. In his Journal, dated June the 21st, 1835, Mr. Anderson says:—

The Indians to whom we had spoken on our way yesterday arrived about twelve o'clock. The Roman Catholics having finished their Worship, about fifty of the Indians met to hear the Reverend Adam Elliot. He addressed through me, his Interpreter, in a simple manner,—urging them to embrace Christianity. He pointed out to them the comforts they would enjoy in this world from civilization, and the everlasting happiness prepared in the World to come for those who sincerely devoted themselves to the service of our Lord Jesus Christ. . . . He said that their Great Father, King William, would supply them with a Teacher for their children and a Black Coat, but that any further assistance from him must depend upon the way in which they should exert themselves to carry out his wishes. Smith Shilling, one of the Indians, then spoke to them of the contrast between his former condition and that which he had enjoyed since he had listened to the advice of the Minister, and I may say eloquently enforced the recommendations of Mr. Elliot and myself.

We waited a long time for their answer, and at last their old chief Shaw-we-naw-so way declared that he could give no answer until he had seen other Chiefs. I can hardly describe the disappointment I felt on hearing him, but, as he had repeatedly told me the same thing during the last three years, I remonstrated with him, and Mr. Elliot and myself having spent some time in conversation with him, he, at length, said that he was prepared to consent to our proposals, and that if no one else of his band should join, he would.

I then proceeded to ask some of the young men individually to become Christians. We-aw-shaish-kung said abruptly "No!" I asked his reason. He said all the Honourable Hudson Bay Traders objected to it, and had said many things to prevent him, which he did not wish to repeat. Ni-e-be-naise said that he would be guided by the conduct of his Step-father. Maun-gou-ie said that he would not become a Christian because the Hudson Bay Traders disapproved of it. I had some difficulty in believing this statement respecting the conduct of the chief Trader, because I know him to be a man of good character; and I believe it to be one of the conditions of the Hudson Bay Charter, under which the Company trade, that they should use their endeavours to ameliorate the condition of the Indians.

In the afternoon two Canoes of Ottawas from *Larbie Croche* arrived. They were on their way to Penetanguishene, for presents, but promised to wait at this place until my return from the Sault. Mr. Elliot and myself then continued our conversation with the Indians on religious subjects until one o'clock in the morning.—*Orillia Packet*.

#### CONDITION AND EDUCATION OF THE INDIAN TRIBES IN UPPER CANADA.

From the foregoing elaborate Report of the Commissioners on Indian Affairs in Upper Canada, appointed by Sir Charles Bagot, in 1842, I have condensed the following interesting information, compiled by them on the condition of the Indians of Upper Canada, and of the progress of Education among them. The Report says:—

The Indians of Canada West may be divided into three classes :

1. Resident Indians, located within the Province.
2. Wandering Indians, having no fixed location, but living within the Province and the Territory of the Hudson Bay Company.
3. Visiting Indians, resident in the United States, who attend annually to receive presents.

DESIRE FOR EDUCATION AND RELIGIOUS INSTRUCTION BY THE INDIANS.—INDUSTRIAL TRAINING.

Among the evidences of their desire for advancement is their attention to Religious Instruction and Divine Worship, and their eagerness to obtain admission for their children into the Boarding School of the New England Company at the Mohawk Village, near Brantford. A few years ago, there was difficulty in procuring Scholars for this School; now there are fifty applications, in addition to the fifty already there.

Besides the Boarding School, above mentioned, in which the scholars are taught handicraft, and are instructed generally upon the system adopted in Schools for Whites of industry, there are five Day Schools, including one at the Methodist Mission;—these, however, are very irregularly attended. The total number of children under instruction, including those at the Mohawk Boarding School, is 160. The mode of teaching is the same as that among Common Schools for the Whites, and the Text-Books in use are those recommended by the Provincial Board of Education, videlicet:—the Bible, Mavor's Spelling Book, English Reader, Daboll's Arithmetic, Murray's Grammar and a Geography. The instruction is carried on altogether in English. The children show as much aptitude in acquiring knowledge as the Whites. At the New England Company's School fifteen boys are under instruction in the several trades of Waggon-maker, Blacksmith, Carpenter and Shoe-maker. The girls, (twelve in number,) are taught House-keeping, Needle-work, Spinning and Knitting. The adults evince much aptitude for the mechanics.

*The Delaware Settlement*, in the County of Middlesex, was one of the first established by Indians in Canada West. In 1792, the principal remnant of the once flourishing congregation of the Moravian, or United Brethern, Church in the United States was compelled to seek an Asylum in Upper Canada, where they were favourably received by the Provincial Authorities, and were permitted to settle on the River La Tranche, now called the Thames.

By an Order in Council, dated the 10th of July, 1793, a large tract of forest land on the River, comprising about 50,000 acres, was granted for their use, on which they proceeded to build a Village called Fairfield; a Church and other premises were erected, at the expense of a voluntary Moravian Society, established at Bethlehem, Pennsylvania.

By a second Order in Council, dated 26th of February, 1799, a survey of this tract was directed to be made, and the land was appropriated to the Trustees of the Moravian Society, "to be reserved forever to the Society in trust for the sole use of their Indian converts."

There is a School in this Moravian settlement,—two among the Chippewas and Munsees and one among the Oneidas.

The Moravian School is attended by forty-one scholars, of whom twenty-three are boys, from five to fifteen years of age, and eighteen girls, from six to fourteen. The School Master is maintained by the Moravian Missionary Society. The children, in their respective classes, spell and read together, and repeat their lessons individually. They use the Union Primer in the School, also Webster's Spelling Book, the English Reader and Hutton's Arithmetic.\*

The School at Lower Munsee is under the control of the Missionary Society of the Church of England, and the scholars belong to the Chippewa and Munsee Tribes. Its School Master receives an annual salary of £50 from the annuity fund of the Tribe. The School is attended by twenty-one boys, from the ages of six to ten, besides a number of young men and women who attend occasionally. Some of the former are learning Arithmetic and English Grammar.

The children in this School are taught Spelling and Reading in classes, with Writing at the desk, from copy lines, and occasionally from dictation. The books used are Primers, Mavor's Spelling Books, New Testament, Grammars and Daboll's Arithmetic.

The second School for the same two Tribes is under the control of the Wesleyan Missionary Society in Canada. It is attended by seventeen boys and eighteen girls, between the ages of six and fourteen, and by three young men. The method of instruction is the same as in the Common Schools established among the Whites. The books used are the New London Primer, Mavor's Spelling Book, Richardson's Reading Made Easy, the New Testament and Roger's Arithmetic.

The School in the Oneida settlement is also under the control of the Wesleyan Methodist Missionary Society. The Teacher is an Indian of the Oneida tribe. The School is attended by sixteen boys, from six to sixteen, and seventeen girls from the age of five to fifteen. The books used are a Spelling Book and the New Testament in the Oneida language, and also the New

\* For a reference to these Schools, see page 129 of the Fourth Volume of this History.



Testament in English. The children are taught in their own language and learn very fast, but they make slow progress in the English.

One of the greatest impediments to the education of the Indian children is their practice of leaving School to accompany their parents on their hunting, fishing, and sugar-making excursions. They exhibit considerable aptitude in learning, however.

The Indians who have recently become converted in this place and have settled here, appear to be sensible of the great good that may be derived from the cultivation of their lands; and they are anxious to have their children educated.

Two large School-Houses and a good dwelling House for one of the Teachers have been erected by the Chippewas out of their own funds; and it is understood that one of the Teachers is supported from the same source.

*The Hurons*, above Amherstburgh, have at present no School among them, but they have expressed their desire to establish one, and would gladly avail themselves of instruction for their children. When there was a School among them the attendance of the scholars was very irregular, but their ability in acquiring knowledge was in no way inferior to that of the White children.

*The Chippewas* have a school at the Upper Chippewa Reserve, under the direction of their Missionary, which is attended by 20, or 30 scholars of both sexes. The mode of instruction is the same as in Common Primary Schools; the children are taught Spelling and Reading in English,—Arithmetic, Writing and Vocal Music. Their reading consists of passages from the Scriptures, and, in the Sunday School, they are taught their Catechism. The scholars are regular in their attendance—from 9 to 12 a.m., and from 1 to 4 p.m., and are as quick in learning as Whites.

*The Walpole Island Indians*. It is intended to erect for the Indians on Walpole island, with the funds belonging to these Indians, a building adapted for a Chapel and School-House, with a house for the Missionary: estimates have received the approval of the Governor General. A School Master, also, is to be appointed and paid from the same source. The Indians are anxious for the education of their children; and, since the recent death of their old Chief, their aversion to become Christians has diminished and may be expected to be gradually overcome.

*The Pottawatomes of St. Clair*. In 1841, the School for the Pottawatomes was better attended and eight Indian boys were in the course of instruction in different branches of handicraft. A School was also opened, for the Roman Catholic Indians, in the other settlement and a School Master secured; but the attendance of the children has fluctuated greatly.

The Schools for the Chippewa Indians have already been described. The quickness of the children, and the irregularity of their attendance is noticed here, as elsewhere. The mode of instruction is the same as in the Township Common Schools, among the Whites. The Books used in the Protestant School are Mavor's Spelling Book, the Old and New Testament, and Woodbridge and Peter Parley's Geography. In the Roman Catholic School, neither Mavor's Spelling Book, nor the Bible are used as school books. In the Protestant School the children are taught, partly in Indian and partly in English: in the Roman Catholic School English is taught.

*Manitowlin Island*. The Indian establishment of Manitowaning is under the local Superintendent. There is a resident Surgeon, a Clergyman of the Church of England, a School Master, a master Carpenter, a Blacksmith, a Millwright, a Mason, a Cooper, a Shoemaker, a Sawyer, and six labourers, supported there by a Parliamentary grant. The School Master at Wequamekong is paid out of the same fund.

*Bay of Quinté*. The Mohawk Indians of the Bay of Quinté are separated from the Mohawk nation proper and were settled in their present locality upon the Bay of Quinté, about the year 1784. In 1793, they received from the Crown a grant of land containing about 92,700 acres; but of this, in 1820, they surrendered 33,280 acres in exchange for an annuity of £450 a year. In December, 1835, they made a further surrender of 27,857 acres, in trust, to be disposed of for their benefit, so that their present possessions do not exceed 16,800 acres. They lie within the Townships of Tyendenaga, the name of the famous Brant.

These Indians have long been Christians, probably before their arrival in Canada. A Missionary was first appointed to the Settlement in 1810, by the English Society for the Propagation of the Gospel in Foreign Parts; their present Missionary has been among them eleven years, and reports that, during that period, they have made a gradual advance in morals, piety and industry. These Indians support a School Master out of the produce of certain small rents from lands, which they receive and manage themselves.

*River Credit.* The Chippewa Indians of the River Credit are the remnant of a Tribe which formerly possessed a considerable portion of the Home and Gore Districts, of which, in 1818, they surrendered the greater part for an annuity of £532.10, a year, reserving only certain small tracts at the River Credit, and at the Sixteen and Twelve Mile Creeks. They were the first tribe converted to Christianity in Upper Canada.\* Previous to the year 1823, they were wandering pagans. In that year, Messieurs Peter and John Jones, the sons of a white Surveyor, and a Mississaga Indian woman, having been converted to Christianity and admitted as Members of the Wesleyan Methodist Church, became anxious to redeem their countrymen from their degraded state of heathenism and destitution.† They, accordingly, collected a considerable number together, and, by rote and frequent repetitions, taught the first principles of Christianity to the adults, who were too far advanced in years to learn to read and write. In this manner, the Lord's Prayer, the Creed, and the Ten Commandments were committed to memory. . . .

In 1826, the Government, with funds arising from their annuity, built a number of Cottages for them on the River Credit, about fifteen miles west of Toronto. The Indians were then about 200 in number. In 1828, they had added seven more Houses, erected by themselves. The Bishop of Quebec, speaking of these Indians in 1829, reported :

"That a great proportion of the Tribes had become sober and industrious in their habits, well clad, as to their persons, and religious in their life and conversation."

In 1831, they had added eight more Houses and a Saw Mill ; and the Methodist Missionary Society had helped them to build a Chapel, a School-House and a Workshop. A Missionary, a School Master and a School Mistress were maintained among them by the same Society. . . .

The Credit Indians possess several portions of the old and New Testaments translated into their own language by the Messieurs Jones, which many of the Old people and all the young can read. The youth of both years are taught English. The School is maintained by the Methodist Missionary Society. They are very sensible of the improvement which they have made since their conversion, and feel grateful to those who have instructed them. They are still desirous of advancing and raising themselves to an equality with their white neighbours, whom they perceive to enjoy many comforts and privileges which they do not possess. . . .

*Alnwick.*—The Mississaga Indians of Alnwick, were converted to Christianity in the years 1826-7. They were then pagans, wandering in the neighbourhood of Belleville, Kingston and Gananoque, and were known under the name of the "Mississagas of the Bay of Quinté ;" in those years between 200 and 300 settled on Grape Island, in the Bay of Quinté, six miles from Belleville, where they commenced farming, and where Schools were established by the resident Missionary for their instruction. They had a commodious Building for Religious service, and Schools, including a room for an Infant School, a Hospital, a Smithy, a Shoemaker's shop and a Building for joiners' and cabinet work. These, however, were relinquished to be sold for their benefit in 1830, when they removed to a block of Crown Lands granted to them by Lieutenant-Governor Sir John Colborne, in the Township of Alnwick, not far from Rice Lake, and fifteen miles northeast of Cobourg. This plot which contains 2,000 acres, is divided into lots of 25 acres each. The Village, or street, which is called Alderville, is about a mile and a half in length. It contains 36 Houses, six Barns, a Saw Mill, and a large School House—all erected under the direction of the Indian Department, out of the annuity of £642.10, to which this Band is entitled for the surrender of a vast tract in the rear of the Johnstown and Midland Districts. There is also a School Building erected at the expense of the Methodist Missionary Society. . . .

The change produced by their conversion and their progress in Christianity will be best described in the words of their Missionary, the Reverend William Case, who has ministered to them for the last fourteen years and whose charitable zeal and self devotion to the improvement of this community it behoves the Commissioners to notice with approbation.‡ . . . Mr. Case says:—

"We have to regret their infirmities, among which is a want of industry ; with some exceptions they are fond of roving, by which the best of the season is lost for farming."

*Manual Labour School.* To remedy this evil, and to elevate their character has been one object of the Missionary Society in the establishment of a Manual Labour School, in connection with a Model Farm.

A further inducement to industry, in my opinion, would be found in fixing a premium on the best improvements in farming, such as crops, fencing, stock of cows, oxen, pigs, etcetera. It is, however, but just to remark that the Indians are every year bettering their condition and the past year has been the most comfortable they have yet seen. Several have raised all their breadstuffs, and provided

\* Doctor Ryerson was a Teacher among these Indians in 1826. See page 125 of the Fourth Volume of this History. † *Ibid*, pages 122 and 129. ‡ For reference to Mr. Case, see page 125 of the Fourth Volume.

well for their families ; some of the women taking example from the Manual Labour School, have, during the past season, spun, and have made clothing for their husbands and children.

"On the first settlement of the Indians on Grape Island, a Common daily and Sabbath School were commenced among them, with a School on the system of Pestalozzi ; the former too have been continued, with occasional intermission up to the present time ; the scholars generally have made commendable improvement—some of them have excelled. Their advancement in Reading, Writing, Arithmetic, Geography and English Grammar have been equal to that among White scholars, with similar advantages. Young men selected from this number are now Teachers in the Indian Schools ; others are Interpreters and Preachers of the Gospel.

"For four years past a School on the Manual Labour plan has been in operation. This system combines Elementary instruction with domestic economy. The girls are daily taught Reading, Writing, Arithmetic and Geography, together with Housekeeping, Spinning, Knitting, Needlework, and the management of a Dairy. In connection with the latter department there are seven cows. The boys are taught in the same branches as the girls, and in English Grammar ; and, at stated hours, in the business of farming as, Chopping, Ploughing, Harvesting, etcetera. For this purpose a Model Farm of fifty acres in extent is provided. The scholars, twelve in number, are boarded and lodged in the Mission Family and clothed at the expense of the Missionary Society. They are all clad in cloth spun by the Indian girls. During four years past, thirty-one girls and fourteen boys have received instructions in this School."

The *Mississaga Indians* of the Rice, Mud and Balsam Lakes, belong to the same Tribe, the Mississagas, or Chippewas, of Rice Lake, who, in 1818, surrendered the greater part of the tract now forming the Newcastle District for an annuity of £740 a year.

The Rice Lake Indians have a School, and a School Master is supported by a Methodist Missionary Society.

The Mud, or Chemong, Lake Indians are settled on a point of land on the Mud Lake, sixteen miles north-west of Peterborough. A Chapel is in the course of erection at the Village, where there is already a Mission House and a School.

The settlement is visited by the Missionary at Peterborough, and the School Master is supported by the New England Company.

The Balsam Lake Indians, ninety in number, are at present settled within the Township of Bexley, on a point of land jutting out into Lake Balsam, which is the most northerly of the chain of lakes running north-west across the back Townships of the District of Newcastle. Their Village contains twelve Houses, a Barn, and a commodious School House, in which Divine Service is performed by a resident Methodist Missionary. But, within the present year, (1843), these Indians have purchased six hundred acres on the banks of Lake Scugog, to be paid for out of their share of their annuity. Their improvements will be sold for their benefit. Their reason for removing evinces their desire to advance in the pursuit of agriculture.

The *Chippewa Indians of Rama* formerly occupied the lands about Lake Simcoe, Holland River, and the unsettled country in the rear of the Home District. General Darling reported of them, in 1828, that they had expressed a strong desire to be admitted to Christianity.

In 1830, Lieutenant-Governor, Sir John Colborne, collected them on a tract on the north-west shore of Lake Simcoe of 9,600 acres in extent, where they cleared a road between that Lake and Lake Huron.

They have a commodious School House. A respectable Teacher is in charge of the School.

The *Chippewas of Snake Island*, Lake Simcoe, was one of the three Bands established at Coldwater and the Narrows. They now occupy one of the three Islands in Lake Simcoe, which were set apart for this Tribe many years ago. They are 109 in number and occupy twelve dwelling Houses. They have also two barns and a School House, in which their children are instructed by a respectable Teacher.

*Saugeen Indians.*—It was from the Chippewa Indians of Saugeen, (Lake Huron,) and their brethren since settled at Owen Sound, that Sir Francis Bond Head, in 1836, obtained a surrender of the vast tract of land, lying north of the London and Gore Districts, and between the Home District and Lake Huron, containing about 1,600,000 acres. He reserved, at the same time for the Indians, the extensive peninsula lying between Lake Huron and Georgian Bay, north of Owen Sound, and supposed to contain about 450,000 acres.

They have a Chapel, which serves as a School House, and a Mission House, which were built by the Wesleyan Methodist Missionary Society about the year 1831. They have also had a School Master for some time past.

The *Chippewas of Big Bay*, Owen Sound, Lake Huron, have had a School conducted by an Indian, and maintained by the Canadian Wesleyan Methodist Conference, since the close of 1842. . . . (Report on the Affairs of the Indians in Canada, presented to the House of Assembly, on the 20th of March, 1845, pages 24-44.)



### ESTABLISHMENT OF MANUAL LABOUR SCHOOLS AMONG THE INDIANS.

As the result of the inquiries which had been made by the Commissioners into the condition of and educational facilities enjoyed by the various Indian Tribes in Upper Canada, as detailed in the foregoing Report, the Government decided to take active steps to establish Manual Labour Schools among them. For this purpose, a General Council of Representatives of these Tribes was summoned to meet at Orillia, on the Lake Simcoe Narrows. This Council was held in July, 1846, under the direction of Captain Thomas G. Anderson, the Superintendent of Indian Affairs.

The proceedings at this Council was fully reported at the time and published in a pamphlet of thirty-four pages: but I have only selected from that pamphlet those portions of the proceedings of the Council as appeared of special educational interest.

The object of the Council Meeting was to learn the sentiments of the Indian Representatives of the various Tribes on the subject of establishing among them Manual Labour Schools for the education of their children, and in regard to other matters:

In his opening Speech on the occasion, Captain Anderson said:

BRETHREN. . . As great changes are taking place in your condition, and your Great Mother, the Queen, having directed the Indian Department to make arrangements for your future benefit and guidance, I have obtained permission of Lord Cathcart, the Governor General, to assemble the Chiefs and Principal Men, under my superintendence, in General Council, to deliberate on the following subjects. . .

It is, therefore, proposed, as I informed each of you last autumn, to consider:—

*Firstly*—That the Indian Tribes shall use every means in their power to abandon their present detached little Villages, and unite, as far as practicable, in forming large Settlements—where,

*Secondly*—Manual Labour Schools will be established for the education of your children; and the Land, to which you may now, with the consent of the Government, remove, the Government will secure, by written documents to you and your posterity forever.

*Thirdly*—That you shall devote one-fourth of your annuities, which many of you promised me last fall that you would do, for a period of from twenty to twenty-five years, to assist in the support of your children of both sexes, while remaining at the Schools. It is to be hoped, by that time, that some of your youth will be sufficiently enlightened to carry on a system of instruction among yourselves, and that this proportion of your funds will, therefore, no longer be required after that period.

*Fourthly*—That you give up your hunting practices. . . (etcetera).

*Fifthly*—That the present practice of paying for putting up your Houses shall cease, and that each man shall put up his own Buildings. . . (etcetera).

It has, therefore, been determined that your children shall be sent to the Schools, where they will forget their Indian habits, and be instructed in all the necessary arts of civilized life, and become one with your White brethren. In these Schools, they will be well taken care of, be comfortably dressed, kept clean, and get plenty to eat. The adults will not be forced to leave their present locations. They may remove, or remain, as they please; but their children must go to the Schools. . . .

The Management of the Manual Labour Schools will be entrusted to your Missionaries, under the direction of your Great Father, the Governor General, who takes a deep interest in your prosperity. . . And the Missionaries will perhaps explain to you in what manner they intend to conduct these Schools. . . .

Mr. GEORGE VARDON, the Assistant Superintendent General, then addressed the Council as follows:—

CHIEFS AND FRIENDS: . . . Every person connected with the Indian Department, and the Missionaries, who have so long presided and watched over you, are all equally anxious to see the Manual Labour Schools established. And to derive full benefit from them, I am convinced

that you ought to live together. There are numerous benefits that would arise from so doing ; for instance, the parents would have the pleasure of seeing their children, and of watching their improvements. . . In the Schools, a general education, connected with learning Trades and Farming will be given. Your children of every Religious persuasion will enjoy equal advantages. . . It has been considered, that Owen Sound, Alhwick and Muncey Town, will be the best places at which to establish these Manual Labour Schools. . .

The Reverend PETER JONES then addressed the Indians, and spoke to them in the Chippewa Language.\*

He pointed out the advantages to be derived from the course recommended by the Government, and shewed the Council that the benefits would not be partial, - . . but will accrue, he said, to all you that are Chiefs, to your wives, and to your children. . . (See pages 300 and 302).

The Reverend WILLIAM CASE then addressed the Council. He said :

BROTHERS : . . The attention of the Imperial Government has been directed, especially to the Provinces of North America ; and they have said,—“What can we do for our Red children ?” And they have come to the conclusion which you have heard. Your venerable friend, Mr. Anderson, has communicated to you the wishes of the Queen and her Government. It is this : That you congregate in larger communities ; abandon your roving habits : engage in the business of farming : consent to the establishment of Boarding Schools, on the system of Manual Labour, and, with the Government Grants, apply a portion of your annuities, for a term of years, to carry this important plan into effect. The Government wish you to be religious, industrious and happy. . .

BROTHERS, we see no reason why the Red man should not be as comfortable, respectable and happy as the White man. We know not why your young men should not be so educated as to be able to transact your affairs as well as your White brothers. You may, indeed, live to see some of your sons Doctors, Attorneys and Magistrates. This is a thing not at all improbable. You have already lived to see your Warriors become Ministers of the Gospel, Interpreters, and Teachers of your Schools. These you now see standing before you. Such important and useful stations in life are not to be filled by the rude and ignorant, but by those who have been made wise by industrious habits and a Religious Education. From such the Lord makes his selections as Teachers of his people.†

(NOTE.—Mr. Allan Salt interpreted this speech in Chippewa ; after which the Reverend John McIntyre of Orillia addressed the Council.)

The Address of the Mohawks of the Bay of Quinte was then read to the Council by Mr. John Hill, one of the Deputation, in the following words :

*To the Chiefs and Head Men of the Several Indian Tribes assembled in General Council at Orillia, the Mohawks of the Bay of Quinte send Salutation :*

BRETHREN, We were glad when we heard that a General Council, to consult about the best means of improving our common race, had been called, and that we were invited to send Delegates to it. This is another proof that the hearts of our Fathers of the Indian Department are still warm towards us, and active in doing us good. . .

BROTHERS, We have too long been children ; the time has come for us to stand up and be men. We must all join hands like one family, and help one another in the great cause of Indian improvement. This is our only hope to prevent our race from perishing, and to enable us to stand on the same ground as the White man. Let us then sound the shell, and summon every Red man from the woods ; let us give up the chase of the Deer and the Beaver ; it is unprofitable. The White man's labour is fast eating away the forest, whilst the sound of his Axe in summer and his Bells in winter is driving the game far away from their old haunts ; it will soon be all gone. . .

BROTHERS, we understand that one of the chief objects the Indian Department have in view at present is to improve our young people by means of Boarding Schools, at which they will not only be taught book and head knowledge, but also learn to work with their hands ; in fact, to make our boys useful and industrious Farmers and Mechanics, and our girls good Housekeepers. This seems to us very necessary, for most of our young people are both ignorant and indolent, and they must be taught, and accustomed to work when young, or they will never learn it, nor like it until after they have been taught.

\* For reference to Mr. Jones, see pages 122 and 129 of the Fourth Volume of this History. See also page 294, *ante*. † For reference to Mr. Case, see also page 294, *ante*.

Feeling the great importance of this, we have authorized our delegates—Chief Paulus Claus, John Hill and Warrior Seth Powles—to concur in any good plan for the purpose that may be settled on in the Council. Brothers, we offer you the right hand of fellowship and bid you farewell.

In Council at Tyendinaga, 21st of July, 1846.

Brant Brant, }  
Joseph Penn, } Chiefs.  
Joseph Smart, }  
(This name was signed with a mark.)

(NOTE.—This Address was interpreted into the Chippeway tongue by Mr. Allan Salt, and was received with hearty responses of A-aâ—A-aâ—A-aâ.)

Chief PAULUS CLAUS, of the Mohawk, Deputation, thus addressed the Council in the Mohawk language. His speech was thus interpreted into English by Mr. John Hill:

MY BROTHER CHIEFS, I am very thankful to meet so many of my Brothers from different Tribes. We have assembled here to talk about the future welfare of our children. The Superintendents are sent here to propose plans, which will, if we concur in them, be a source of great advantage to our children.

It is, therefore, highly important that we should not let this opportunity slip, but concur in the wise and benevolent plans of the Government for collecting us in larger Settlements; and their affording our children good instruction, enabling them to become industrious Farmers and Mechanics. This is all I have to say.

(Various other proceedings here took place and the Council adjourned for a time.)

Chief SHAHWUNDAIS, (the Reverend JOHN SUNDAY,) spoke to this effect:

MY BROTHERS, We have now had a long time to consider this subject; every Tribe has heard the proposition and question now laid before us. Now you want to know who it was that answered this question and agreed to this proposition. It was I and my Brother Chief of Rice Lake that answered this question, and agreed to this proposition last year. This is all I have to say.

Next morning, Captain Anderson, having taken the Chair, informed the Council, (Mr. Vardon being also present,) that:—

We have now come to listen to your answers with regard to the first three propositions in the Speech delivered yesterday. The Chiefs will be called upon by name. And the first question is on the proposition, one videlicet:

That the tribes shall use every means in their power to abandon their present detached little Villages and unite, as far as practicable, in forming large Settlements; where, secondly:

Manual Labour Schools will be established for the education of your children, and the Land to which you may now, with the consent of the Government, remove, the Government will secure by written documents, to you and your posterity forever.

Mr. Allan Salt, having interpreted this Address of the Superintendent, the Chiefs were then severally called by name, and took their seats, to answer in the following order:—

1. Chief Joseph Sawyer, of the River Credit.
2. Chief Shahwundais, (the Reverend John Sunday,) of Alderville.
3. Chief George Pahdaush, of Rice Lake.
4. Chief Peter Noogie, of Mud (Chemong) Lake.
5. Chief Jacob Crane, of Skugog Lake.
6. Chief Yellow Head, of Rama.
7. Chief John Aisaans, of Beau-Soleil Island, (formerly of Coldwater.)
8. Chief Joseph Snake, of Snake Island.
9. Chief Waubutik, of Owen's Sound.
10. The Mohawk Deputation from the Bay of Quinté.
11. Chief Naaningishkung, a subordinate Chief of Rama.
12. Chief Thomas Aisaans, a subordinate Chief of the River Severn, (formerly of Coldwater.)



Captain Anderson here said, (Mr. Allan Salt interpreting):—

Each one will answer in his turn to the first question : The Chiefs being all asked, in general, whether they understood the question :—Chief Waubutik was asked in particular, “do you understand the question?” and he replied, “Akneesh, nenesetootum” :—“Certainly, I understand.”

All being now prepared, the several Chiefs delivered speeches in answer to the first Question.

Chief JOSEPH SAWYER spoke as follows :—

MY CHIEFS, I have not much to say on this subject. . . . I have seriously considered the matter brought before the Chiefs, and plainly see the propriety of receiving the advice proffered by our Fathers, the Officers of the Government, who have treated us kindly ever since we had existence ; and this I say with both my hands.

Chief SHAHWUNDAIS, (the Reverend John Sunday,) then addressed the Superintendents :—

MY CHIEFS : Again I too rise to-day to declare my mind. I have nothing, however, to add, different from what I have already said . . . I agree . . .

Chief GEORGE PAHDAUSH rose next, and said :—

MY CHIEFS . . . . I would not interpose any obstacle to the wishes of our Great Father. I should not think it to my advantage to oppose, but rather that it would be for the benefit of my people to comply with the wishes of our Great Father, if he would take so much care of us. This is about all what I have to say.

Chief PETER NOOGIE then spoke as follows :—

MY CHIEFS : I shall not say much on this subject. I have come to this Council, by invitation, to listen. And I have now heard the wishes of our Great Father, for our good, the good of the Indians . . . I shall do whatever the New England Company may wish me to do. There is nothing here that would hinder me from leaving this present location. What I have said is enough to give an idea of my situation. This is all I have to say.

Chief JACOB CRANE then rose, and spoke as follows :—

MY CHIEFS : I will say a little to you, my Chiefs. I was very glad to hear that steps were being taken for the establishment of Schools for the education of our children . . . . When I heard these words of our Great Father, and the words of our Great Mother, and their desire to do good to the Indians, I felt very happy to hear such sentiments from them, that so much good was designed for our children, and these words I look upon as words of truth. . . .

Chief YELLOW HEAD then rose, and spoke as follows :—

MY CHIEFS : I have risen, and stand up to speak, but have very little to say on what our Great Father advises us for our good. I admire it very much, his speech, which we have heard . . . . I have been pleased to hear what I have heard from my Brother Chiefs, who have spoken before me. . . .

Chief JOHN AISAANS then rose, and spoke as follows :—

MY CHIEFS : You wish to hear the sentiments of the Indians. I will tell you a little of my sentiments . . . . I have repeatedly answered the same question, and acted accordingly, and have always complied with the wishes of our Great Father. . . . This is all, my Chiefs.

Chief AISAANS was here told by Captain Anderson : The question now before the Council is, respecting the proposed abandoning of the smaller Villages and forming large Settlements, the establishment of Manual Labour Schools, and the proper Education of the children. The Chief then proceeded :—

What I have already stated are the causes that hinder me from favourably answering the question proposed. I do not wish to remove . . . . I object to devoting any portion of my annuity to the Schools. The Scripture says : we are told it says : we must love one another ; but now, if we give up our money for the benefit of the young, who will take care of the old people ? This is all I have to say.

Chief JOSEPH SNAKE addressed the Superintendents in these words :—

MY CHIEFS : You will now hear what I have to say through my Orator, Mr. John Snake :—

The Orator, Mr. John Snake, then spoke as follows :—

FATHERS : You wish to hear the sentiments of the Indians, with regard to the great Speech sent to us by our Great Father. We have reflected on the subject, and I am now prepared to give an answer with regard to the wishes of our Great Father, for the future prosperity of the

Indians . . . I have often considered the future welfare of my children, and when I see them before me, I think seriously on their future condition. I am glad to hear that our Great Father is anxious to assist us, by putting us in the way, and promoting our welfare. . . .

Chief WAUBUTIK then rose, and said :—

MY CHIEFS : I have nothing to say at present.

(NOTE. This Chief was the owner of the place, to which it was proposed the Indians should remove,—Owen Sound. He said : “They are welcome to it.”)

Chief PAULUS CLAUS, of the Mohawk Deputation, then addressed the Council :—

MY BROTHER CHIEFS : I have not, at present, a great deal to say. The sentiments of the people from whom I come, are already delivered. I have rejoiced very greatly to see my Brothers so willing to embrace the offers made to them by the Government. I have heard all your words which you have spoken in this General Council, and I shall be very happy to tell all these words to my Nation, when I return home . . . I rejoice very much to see all my brethren accept the offers of the Government for our good. I think it would be a great benefit if they could be gathered with their children, all into one place, where they might ever remain. . . . There is much good to be derived from their being all in one place, in a large Settlement, where they might assist each other in various ways ; as in large Schools, where the children might attend. . . .

Chief NAANINGISHKUNG, a subordinate Chief of Rama, being next called upon, spoke as follows :—

MY CHIEFS : I will tell you my mind ; I am very thankful to our Great Father, for telling us in what way our children shall live. I have the same opinion as my Brother Chiefs, consenting to the views and wishes of our Great Father for our good. I have women and children too ; and I accept the offers made by our Great Father. . . .

Chief THOMAS AISAANS, a subordinate Chief of the River Severn, being next called upon, rose, and merely replied :—

MY CHIEFS : I do not wish to say anything.

After adjournment and reassembly, Captain Anderson addressed the Council as follows, Mr. Allan Salt interpreting :—

The next question for your consideration is on the proposal that you shall devote one-fourth of your annuities for the term of twenty, or twenty-five, years, towards the support of the Schools to be established among you ; it being hoped that, by that time, some of the Indian youth will be capable of managing the Schools. If any do not understand this question, or want further information, let them ask. . . .

You must reflect that the White people take great pains, and are at great expense, to procure a good education for your two sons at the College at Toronto, and I can tell you it has cost me a Hundred pounds (£100) a year for the two.\* And for what did I go to such expense ? Because I want to make men of them, and not to see them running about, vagabonds, in the Streets. You are not requested to give as much as the White people do, in sending their children to the High Schools. Very little is requested of you in comparison.

You are requested to give only a very small proportion of your annuities to pay for the education of your children. Now, just consider, how great is the amount we give, and what the Government gives us. We give three-fourths to the one-fourth, that is given by the Government, while you are requested to give but one-fourth to the other three-fourths of the Government.

The Reverend PETER JONES then addressed the Council in these words, (See page 303)—

I have long desired to have the Schools established, which the Government proposes. . . .

Chief JOSEPH SAWYER then rose and said in substance :—

MY CHIEFS : I am master only of my own money. I said before, that I take the words of our Great Father with my two hands. The other people will speak for themselves ; but I give the money that is proposed to be given.

Chief Shahwundais, (the Reverend John Sunday), then rose and spoke as follows :—

“MY CHIEFS : . . . Suppose I have four dollars in my hand, I willingly give one dollar for the good of my children. This one dollar is for the good of my child, whom I love. It is like four bushels of wheat : suppose I should call my children and say, “let me eat it all up,”

\* In regard to the education of these two Indian boys, see pages 143 and 203, *ante*.

then, when I should get old there would be nothing left to feed the children. But I say to my children,—“let us eat only three bushels and save one, and, when I die, that one bushel will do you good. I know that I shall not live long—it will not be long before I am gone; then this will do you good for ever; you will never eat it all up. Let the Big-Eyes think over this. But the Big-Eyes think this way: they have got four bushels, they are before them; so they eat them all up, and then when they have eaten up the four bushels, there is no further benefit from it; all is gone—nothing left for future generations. As to what little we have, we are all willing. My Superintendent Chiefs, we are all willing. Of what we have, we are willing to give one-fourth for the benefit of our children. Before I close, I say to you, my Chiefs, when this change takes place, and these Schools shall be established, I want you to place a good honest man there, who will teach the children good things. This is all I have to say.

Chief GEORGE PAHDAUSH next spoke as follows :—

MY CHIEFS : I have heard what my brother Chiefs have said respecting the kind wishes of the Government for the improvement of the Indians. I am very thankful to the Government for the kind proposals we have received for the good of our children, that they shall be educated, and for making so liberal offers of assistance; and I think we should do the same, and lend our assistance too, for the benefit of our children. I do not know what to offer; I am not alone. There are three Houses,—three divisions of the school children, and I cannot make an offer of myself, until the others shall have decided what they would do . . . From the payments given us by our Great Father, (for I know it is not for myself, but for the benefit of my children, and, therefore, I agree to the same as has been assented to by the other Chiefs), I give one-fourth for the Schools, and I am thankful to the Government for their assistance. This is all I have to say.

Chief PETER NOOGIE then spoke in substance as follows :—

MY CHIEFS : I give one-fourth, and I beg that an excellent man, a first rate man, may be appointed to instruct our children. This is all I have to say.

Chief JACOB CRANE, then spoke in substance as follows :—

MY CHIEFS : I consent to the plan; but I am not determined to what place I shall send my children; I am at a loss to know.

Chief YELLOW HEAD spoke as follows :—

MY CHIEFS : You have heard what I said to-day. I do not think I shall join in raising these great Schools . . .

Chief JOHN AISAAINS rose next, and the question being explained to him, spoke as follows :—

MY CHIEFS AND BRETHREN : You have heard what I have said once to-day . . . The reason why I said so to-day was, that I thought I might probably have money enough to have a little School at my own place where I live . . .

Chief JOSEPH SNAKE next addressed the Superintendents as follows, by his Orator, Mr. John Snake :—

MY CHIEFS : We have, for a long time, heard of these High Schools, and the more we hear of the plan the better we like it . . . We were very much pleased with the plan; so we held a Council and agreed to give Two Hundred Dollars a year (£50). I will tell you the sentiments of the Chiefs of my people. They are rather disposed to wish that the High School should be on Lake Simcoe. In the event of any disturbance among the Whites, the High School at a distance might be destroyed; whereas, if it is back in the central parts of the Country, it would be safer. This is the opinion of the Scugog Chiefs, and this is the reason why I said that I did not know where my children would be sent. This is all I have to say.

Chief NAANINGISHKUNG, a subordinate Chief of Rama,—(Chief Yellow Head being his superior),—then spoke as follows :—

MY CHIEFS :—I will say a little. I have told you before that I have no power; if I had the power I would readily comply with what the other Chiefs have agreed to, for this is the sense of my people. This is all I have to say.

Chief THOMAS AISAAANS, a Subordinate Chief, of the River Severn,—(Chief John Aisaans being his superior),—then rose and said :—

MY CHIEFS :—I entertain the same sentiments as those expressed by my Brother, John Aisaans. If I had my money separate, I would then say what I would do; but as I have no control over it, I say no more.



Before the Council adjourned, Captain Anderson read the following Memorandum, dated Orillia, 31st of July, 1846 :

MEMORANDUM—It is to be understood that Indians removing from their present localities to their new Lands, where the proposed Manual Labour Schools are to be established, will receive their proportions of the annuities of their respective Tribes.

The Chiefs interested in the plans before the Council, having all spoken to each question, Captain Anderson made a minute of their votes, in substance as follows :—

1.—River Credit,.....	Yes.	....
2.—Alderville, in Alnwick,.....	Yes.	....
3.—Rice Lake,.....	Yes.	....
4.—Mud (Chemong) Lake,.....	Yes.	....
5.—Scugog Lake,.....	Yes.	....
6.—Rama,.....	....	No.
7.—Beau-Soleil Island, Chief John Aisaans, formerly of the Village of Coldwater,—he is Head Chief, .....	....	No.
8.—Snake Island, .....	£50	....
9.—Owen's Sound : (gave consent last year), .....	Yes.	....
10.—The Mohawks :—Bahjewunaung Mezhlukwutoo, a Pagan Chief, positively refuses to become a Christian, .....	....	....
11.—Naaningishkunk, of Rama, .....	Yes.	....
12.—Thomas Aissans, (now of the River Severn). No vote or money .....	....	....

Mr. George Vardon, Assistant Superintendent General of Indian Affairs, delivered the closing Address in the following words :—

CHIEFS AND FRIENDS :—I have a few words to say to you in reply to what I have heard this day.

It is with real pleasure that I have listened to the speeches of some of the Chiefs assembled on this ground, who have this day addressed the Council, and whose sentiments and expressions do honour to them as Chiefs, and as Christians. And it is clear that they have the real interest of their Tribes at heart. I hope what they have said will have its due effect. Those who have consented to grant a portion of their annuities to assist in the education of their children, will be well repaid by seeing their improvement, and, in after days, will receive the thanks and the blessings of those children.

The Reverend PETER JONES subsequently supplied the following brief note of his remarks at the Council :—

That having been eye-witness, for more than twenty years past, of their conversion to Christianity, and the progress made in civilization, I had long been convinced that in order to bring about the entire civilization of the Indian Tribes, Manual Labour Schools must be established.

I was glad to see the Government lending its aid in the work. I had lately visited Great Britain for the purpose of raising funds for this object, and had collected upwards of One Thousand pounds (£1,000). All the good and wise men in that country highly approved of the proposed Schools.

A great deal has already been done for the Indians and great improvements had taken place in their condition ; but they have not made that progress which they ought to have made ; and this arose from keeping up their hunting and wandering practices. So long as they continued to live in this way, I saw no prospect of their rising into usefulness and comfort.

Our proposed plans were, to take and board the children, and teach the Boys Farming and useful Trades, such as Blacksmithing, Carpentering, Shoemaking' etcetera, and the girls House-keeping, Spinning, Knitting, Sewing, and other useful things. I could therefore say the proposed plans are good. (*Minutes of the General Council of the Indian Chiefs and Principal Men held at Orillia, Lake Simcoe Narrows, July, 1846.—Abridged from Pages 5-34.*)

## APPENDIX NUMBER ONE, TO THIS FIFTH VOLUME.

## REPORT ON THE NECESSITY OF EDUCATING YOUNG MEN IN CANADA 1815.

In one of the Private Letter Books, (1812 to 1834,) of the late Bishop Strachan, which has been kindly lent to me, I find the following Document headed: "Report on Education," with the copy of a "Memorial" attached, signed by Doctor Strachan, and by the late Reverend Robert Addison, of Niagara, addressed in February, 1815, to Sir Gordon Drummond, President of Upper Canada.

I have not been able to discover whether the Report, or Memorial, was ever presented to Sir Gordon Drummond, or whether they were ever used directly for any practical purpose. A large portion of it, however, seems to have been embodied in a Report, presented to the House of Assembly, on the 27th of February, 1816, by a Select Committee of that House, and signed by Mr. James Durand, as Chairman. (See page 95 of the First Volume of this History.) A good deal of the argument used in the Report, in favor of the education of the Youth of Canada in Canada, is reproduced by Doctor Strachan in his elaborate statement to Sir Peregrine Maitland, in March, 1826, in favour of a Provincial University. He also embodied a good deal of its substance in his notable "Appeal . . . in behalf of the University in Upper Canada," which he published in England in 1827, and which led to the issue of the Royal Charter for King's College in that year. Both that "Statement" and the "Appeal" will be found on pages 211-221 of the First Volume of this Documentary History. The "Report on Education" of 1815, in the form of a series of Resolutions, is as follows:—

1. That the necessity of sending young men out of the Province to finish their education, which has hitherto existed, has been found both dangerous and inconvenient.

2. That reason and policy equally demand that our youth be educated within the Province, or in England, if we wish them to become friendly to our different establishments, and attached to the Parent State.

3. That very few Parents can support the expense of sending their children to be educated in Great Britain; and parental anxiety would reluctantly trust them at such an immense distance from its care, control and observation; and the result of the few trials, that have been made, has rather tended to increase, than remove, this natural obstacle. In the neighbouring States, Canadian Youth must imbibe prejudices against our institutions and establishments.

4. That the education of youth is a subject well worthy of the attention of the Legislature of this Province.

5. That there is at present no Seminary at which the youth of the Country can obtain a liberal and finished education.

6. That nothing has been yet done by the Legislature to promote education among the poorer inhabitants.

7. That the people have, among themselves, shewn a most laudable zeal in this particular, which ought to be fostered and encouraged.

8. That it is only by a well instructed people that we can expect to preserve our excellent Constitution, and our connection with the British Empire, or give that respectability to the Province, which arises from an intelligent Magistracy, and from having all public situations filled with men of information.

9. That, in order to promote the general instruction of the people, it appears expedient:—

(1) To establish a University where the Arts and Sciences may be taught to the youth of all Religious Denominations.

(2) To continue the District Grammar Schools under certain modifications.

(3) To establish Elementary Schools in all of the populous Townships throughout the Province.

10. That neither the State, nor population, of the Province appear, as yet, to require the establishment of an University, which may therefore be postponed until the Lands allotted for its support, by the munificence of the King, come in aid of the exertions of the Provincial Legislature.

11. That such an University should be established as soon as it shall appear that a sufficient number of young men can be supplied by the District Grammar Schools to such an Institution.

12. That some delay in establishing an University will be the less pernicious, from the fact that a small Philosophical Apparatus being already available for instruction in the Province.

13. That this Apparatus, which is attached to the principal School of the Home District, has already enabled the Writer, [Doctor Strachan,] to give four courses of Lectures on "Physical Science," which were of great use in finishing the education of many young men, who are becoming ornaments to the Province. [See page 132 of the First Volume of this History.]

14. That it affords the Writer the means, as soon as a School House is erected, to resume that general system of Education, which was in active operation before the commencement of the war [of 1812], and which, (until an University can be established on an extensive scale), has been found, by experience not to be an uncertain substitute.

*Secondly: In regard to the District Grammar Schools:* It is hereby suggested:

15. That the District Grammar Schools be continued, subject to the following Regulations:—

(1) Reports of their state, signed by a majority of the Trustees, be submitted annually to Parliament.

(2) The Trustees to visit frequently their respective Schools.

(3) A public Examination to be held every year, previous to the usual vacation.

(4) The following branches of education should be taught at the District Grammar Schools, with such other branches as the Teacher and Trustees may think fit, videlicet: The Latin, French and English Languages—Writing, Arithmetic, Geography and practical Mathematics.

16. That no person who is not a natural born subject of the King, and fully qualified to teach these different branches of education shall be capable of becoming the Master of any of the District Grammar Schools.

17. That ten Scholars be taught gratuitously at each of the said District Grammar Schools, in order to open the way to the poorer inhabitants to a liberal education for their children.\*

17. That a commodious School House be built by each District, in which the Seminary may be kept.

18. That the information brought before the House of Assembly by these different provisions, as suggested, will enable it to decide whether, in some of the Districts, the operation of the Grammar School may not be suspended until the increased population should require it.

*Thirdly: In regard to The Common Schools:* It is also suggested†:—

19. That it is expedient to extend the benefits of a Common School education throughout the whole Province.

20. That so soon as a competent number of persons shall unite themselves in building a School House, and engage to contribute Fifty pounds a year towards the support of a School Master, (which, if the number of Scholars amount to forty, will only be five dollars a year for each pupil), with a comfortable residence—the additional sum of Thirty pounds shall be paid annually to his support by the Provincial Government, making his income Eighty pounds.

21. That the most unexceptional references, as to morals and abilities, be required by every Teacher; nor can he be eligible unless he be a natural born subject of His Majesty.

22. That a Report of the state of each Common School be submitted annually to Parliament.

\* The provision for the Free Education of ten pupils in each District Grammar Schools was embodied in Section Six of the Grammar School Amendment Act of 1819; see page 149 of the First Volume of this History. Various other of these "Suggestions" are also embodied in that Act.

† Most of the improvements here "suggested" are embodied in the Common School Act of 1817; see pages 102, 103 of the First Volume of this History.



23. That, where Townships are populous, the Common Schools may be itinerant, until the Provincial revenue enables the Legislature to multiply these Schools, in proportion to the number of resident inhabitants.

*Fourthly: A Provincial Board of Education is suggested \*—*

24. That a Board of Education for the Province might greatly facilitate the objects herein contemplated—to which all reports from the Grammar and Common Schools might be sent, in order to have them sent prepared for the inspection of the Parliament. Such a Board might possess the powers now given to the Trustees of the District Grammar Schools, and greater, if deemed necessary.

(1) That it would be the business of such Board to suggest, from time to time, such improvements in the (Grammar and Common) Schools to the Legislature, as may appear expedient.

(2) That the Board regulate the Books to be used, and promote the establishment of new Schools, when wanted, etcetera.

(3) That the Judges of the King's Bench, the Members of the Executive Government, the Trustees of the Home District Grammar School, and the Clergymen of the Home District constitute the Provincial Board.

(4) That the Members of both Houses of Parliament, the Chairman of the Quarter Sessions and Trustees of the Grammar Schools, in each and every District, be the corresponding Members of the Board, and assist, when present, at its deliberations, with the same authority as the other Members of the Board, and assist, when present, at its deliberations with the same authority as the Members of the Home District Grammar School.

(5) That a just remuneration shall be given to the Secretary of the Board for transacting the unusual business of the Board.

(6) That the Board meet four times a year, and two of these Meetings to be during the sittings of the Legislature.

The following is a copy of the Memorial embodying the substance of the foregoing Report:—

*To Lieutenant-General Drummond, commanding His Majesty's Forces in Upper Canada, and President, administering the Government of the Province. —*

The Memorial of the Reverend Robert Addison, Minister of the Church of England and Ireland at Niagara† and of the Reverend Doctor Strachan, Minister of the Church of England and Ireland, at York, Upper Canada, humbly sheweth:—

1. That your Memorialists have taken the state of Education in this Province into their consideration, and beg leave to remark:

2. That eight District Grammar Schools are the only establishments in the Province for the Education of youth.

3. That these Schools, though very useful, are insufficient for instructing the children of the whole population of the Province.

4. That there is no higher Seminary at which young men can receive a liberal education.

5. That, in order to promote the general instruction of the people it appears expedient:—

(1) To establish a University, where the Arts and Sciences may be taught to the youth of all Religious Denominations.

(2) To continue and cherish the District Grammar Schools.

(3) To establish Common Schools in all the populous Townships throughout the Province.

6. That such a plan of general instruction will supersede the necessity of sending young men out of the Province to finish their education, which has been found both dangerous and inconvenient.

7. That those of our youth who have been sent to the United States, commonly learn little beyond anarchy in politics, and infidelity in religion.

8. That very few parents can support the expense of sending their children to England.

\* "A Provincial Board of Education" was not appointed until 1823—page 196 of the First Volume of this History,—but a District Board of Education for each District was authorized by the Ninth Section of the Common School Act of 1816; page 103 of the same Volume.

†For reference to Mr. Addison, see pages 30 and 160 of the First Volume of this History.

‡For Sketch of Sir Gordon Drummond, see page 88 of the First Volume of this Documentary History. See also pages 50 and 84 of the same Volume.

9. That it is only by a well instructed population that we can expect to preserve our excellent Constitution, and our connection with the British Empire, or give that respectability to the Province, which arises from an intelligent Magistracy, and from having public situations filled with men of information.

10. That the Paper hereto annexed points out the way of gradually forming this general establishment of education, without any expense to the British nation.

11. That Your Honour's exertions, in bringing this plan of Education under the favourable consideration of His Majesty's Government can never be forgotten, while it continues in active operation, and will add another to the many powerful claims of Your Honour to the gratitude of the Province. And your Memorialists will ever pray,

JOHN STRACHAN  
ROBERT ADDISON.

York, 26th of February, 1815.

*Explanatory Paper : annexed to the foregoing Memorial :—*

The means of establishing the general system of Education mentioned in the Memorial may be explained as follows :—

1. Let two thousand acres of the Crown Reserves in each and every Township, established, or to be established, be appropriated for the purposes of Education.

2. Of these Crown Lands, let four hundred acres be attached to the University ;—two hundred to each of the District Grammar Schools, and fourteen hundred acres to the small local Common Schools in the Township, when the appropriation is made.

3. These Crown Lands are never to be sold but kept always at lease, for periods of twenty-one years only.

4. In this way, the University will have a permanent estate of four hundred acres of Land in each Township, which will increase in value in proportion to the wealth and population of the Country, and become an ample fund for new Professorships, foundations, improvements, etcetera.

5. The District Grammar Schools will have an estate of two hundred acres in each Township, which will, in time, make them very respectable.

6. The fourteen hundred acres, within each Township, will, in time, be sufficient to bring the elements of knowledge, by means of the Common Schools, to every one's door.

7. But, as it will be some time before these yield much revenue,—in order to commence the University,—let two of the Townships of twelve miles square, already set apart by the Government for that purpose, which, after deducting the portion for the Clergy Reserves, contain one hundred and fifty thousand acres, be sold at not less than one dollar per acre ;—let the interest only be exacted, and let the principal be secured on the Land.

8. Let the interest accumulate, until it be sufficient to erect the necessary Buildings, to establish a Library, a Museum, a Philosophical and Chemical Apparatus, etcetera.

9. Then let a Master and two Professors be appointed, with proper salaries, and let their number be increased, as the leases become productive.

February the 26th, 1815.

J. S.  
R. A.

## APPENDIX NUMBER TWO:

BISHOP MACDONELL AND ROMAN CATHOLIC EDUCATION IN UPPER CANADA, 1817.

In the "Reports on Canadian Archives," for 1896, by Doctor Brymner, Archivist, are copies of the Correspondence which took place between the Right Reverend Doctor Alexander Macdonell, Bishop of Regiopolis, (Kingston), and Lord Bathurst, Colonial Secretary, on the subject of the establishment and promotion of Roman Catholic Schools in Upper Canada. The Correspondence extend from the 10th of January, to the 15th of June, 1817.

These Letters are interesting, in connection with the record of Bishop Macdonell's efforts in the same direction, which is given on pages 192 and 284 of the Second Volume of this Documentary History.\* Bishop Macdonell's first Letter to Lord Bathurst, on this subject, is as follows :—

Presuming on Your Lordship's kind condescension, and convinced, by experience, of the warm interest you take in the welfare of every class of His Majesty's subjects, who merit the approbation of their Sovereign and his Government, I take the liberty of laying before Your Lordship the following statement respecting His Majesty's Roman Catholic subjects of Upper Canada, in hopes that it will obtain Your Lordships favourable consideration and approval.

The Roman Catholics in Upper Canada are about fifteen thousand (15,000), in number, and are spread over a great part of the Province. The Scotch Highlanders of that Religious persuasion are principally concentrated in what is called the Glengarry Settlement,—although a good many of them have dispersed themselves up the Country, as far as Kingston, and from thence to the head of the Bay of Quinty.

To administer to the spiritual want of all these settlers, and to afford the necessary instructions to their youth would require, at least, six Clergymen, and eight or ten School Masters, who ought to be selected from their own countrymen professing the same Religion, and speaking the same, (Gaelic,) language with themselves.

Of all the methods that can be devised to preserve to the children, the loyal principles of their fathers, it is obvious that none can prove so effectual as implanting in their minds these principles, and conveying moral and religious instructions to them at an early age, in the emphatic language of their ancestors. Thus assured, by the double barrier, of their Language and Religion, they might, for a long time, stand proof against the contagious politics of their democratical neighbours, [in the United States].

The encouragement held out last year by order of His Royal Highness the Prince Regent, [of salary] to Public School Teachers, (without any distinction of Religious persuasion,) accompanying the Emigrants going to Canada, videlicet, £100 sterling per annum, and 200 acres of Land to Clergymen, and £50 sterling and 100 acres of Land to School Masters, could be all that could be required, or expected, by the Roman Catholics of that Province, for the people themselves would easily contribute whatever more might be necessary for the support of these public functionaries; and this bounty of the Government could not fail to operate as an additional tie on the loyalty and gratitude of the former, and a powerful stimulus on the latter to make them exert themselves in the assiduous discharge of their important duty.

It is my intention to establish the principal School at [St. Raphaels], my own place of Residence in the County of Glengarry,† in order that it may be under my own superintendence and direction, and, for this School, I wish to procure a few Masters in this Country, of superior talents and learning, capable of educating Gentlemen's sons upon a more liberal and extensive plan that what would be necessary for the lower class of settlers. This would preclude the necessity of sending them to the United States, or to the French Seminaries of Lower Canada, as has been the case hitherto.

Should Your Lordship be disposed to consider an establishment of this kind in so favourable a point of view as to merit the countenance and protection of the Government, some aid might be afforded towards the support of it, without any direct application to the public purse, either from the Provincial funds of the latter,—which would require nothing more than a recommendation from Your Lordship to the Lieutenant-Governor, to extend to this Roman Catholic Seminary, the same allowance as [is given to] the Protestant District Grammar Schools receive from the Provincial Treasury.

Another part of this subject, to which I would presume to draw your Lordship's attention is Female Education.

Boarding Schools for Young Ladies in both the Canadas are kept principally by American Women, and every Book of instruction put into the hands of their pupils by these School Mistresses are of American manufacture, artfully tintured with the principles of their Government and Constitution, and holding up their own worthies as perfect patterns of every moral excellence, whilst our public and private characters are represented in the most odious and disgusting colours.‡

\* See also Bishop Macdonell's Letter on the same subject to Lord Durham on page 146 of the Third Volume of this History.

† This School, or "Seminary," was established by Bishop Macdonell in 1825. See page 193 of the Second Volume of this Documentary History.

‡ On the subject of American School Books, see pages 3, and 250 of the Third Volume of this Documentary History, and also page 277 of this Volume.



To arrest the rapid progress of this growing evil, and to rescue the minds of (Roman) Catholic children, at least, from the insidious acts of those active agents of our enemies, no plan could promise more certain success than the encouraging of a few English Nuns, or Religious Women, capable of imparting proper education and the necessary accomplishments to Young Ladies to go from this Country to settle in Upper Canada. Or, if any objections should be made to Nuns, secular women might be found sufficiently educated—for such an undertaking, but upon higher terms; nor could it be expected that these would pursue an object of this nature with the same perseverance as those who had relinquished every other prospect in life, with the sole view of rendering themselves useful to their fellow creatures.

All the encouragement necessary for the Nuns would be a trifling pension from Government, or from the Jesuits funds, for a few years, until they could establish themselves in the Country; also a grant of a few acres of Land for their Buildings, Garden and walking ground for their scholars in the Town of Kingston, or wherever they might find it most convenient to reside, and a grant of two, or three hundred acres of the Waste Lands of the Crown in the vicinity of their place of residence, from whence they could provide themselves with food, fuel and other necessities of life.

When I inform your Lordship that, with the exception of the eight District Grammar Schools, which are principally taught by Clergymen of the Established Church, the education of youth of both sexes in Upper Canada is exclusively entrusted to American Teachers, and that this Education consists of the perusal of such works, as I have already alluded to, your Lordship will allow that the danger, against which I would wish to provide, is of a serious and alarming nature, and I feel confident that, to the liberal and enlightened mind of your Lordship, no apology is necessary for my present application in behalf of a numerous description of loyal subjects,—a great proportion of whom have been for six and twenty years under my own guidance and spiritual direction, and who, during twelve years of that period, bore arms in defence of their Country.

I have only to add that, in consequence of the countenance which my Lord Sidmouth was pleased to shew to me, and to these people in 1803, I have been enabled so effectually to direct to our own Colonies, the destination of Scotch (Roman) Catholics, who have been under the necessity of quitting their native Country,—that since that period not one of them has emigrated to the United States, although, during the same space of time, thousands of Scotch Presbyterians and innumerable Irish subjects in the British Colonies have so emigrated; and that these were not only lost forever to their native Country, but became its most formidable and inveterate enemies, and swelled the ranks of the American armies in their late attempt to conquer the Canadas, as will be certified by every British Officer employed during that time in these Provinces.

LONDON, 10th of January, 1817.

ALEX. MACDONELL.

In compliance with your kind request, I send you the names of three Persons, whom, by the permission of my Lord Bathurst, I promised to be appointed (Roman) Catholic School Masters in Canada, videlicet: Richard Hammond, an Englishman, John Murdock and Angus McDonald, Scotchmen.

Mr. Hammond is now here ready to take his passage on the first Government Ship that will sail for Canada; the other two are in Scotland and will probably sail from thence.

LONDON, 7th of May, 1817.

ALEX. MACDONELL.

When I had the honour of seeing you last, you were so good as to say you would send me an answer to the Letter which I addressed to my Lord Bathurst, previous to my departure for Scotland in January last,\* on the score of the Education of (Roman) Catholics in Canada. In that Letter, I took the liberty to assert, that were the settlers in that Colony perfectly able to provide for their own Clergy and School Masters, it would, notwithstanding, be wise policy in the Government to secure the Loyalty and attachment of those, to whom the instruction of youth, and the spiritual guidance of the people are entrusted, by contributing to their support. I acknowledge that I feel extremely anxious to have it in my power to afford to the (Roman) Catholics of Canada a substantial proof of the liberal disposition of Government towards them, in order to do away the very unpleasant sensation which the publication of instructions hostile to their Religion sent out to a Governor-in-Chief of the Canadas, made upon their minds.

\*See pages 289, 290, *ante*.

I have already stated, in the Letter of January last, alluded to, that employing Teachers, who should be connected with Government, by their interest, as well as their principles, appeared to me, as the means best calculated for that important end, and I have now only to add, that such Teachers ought to be, as far as circumstances could permit, born Britons, or at least educated in the Principles of the British Constitution.

ALEX. MACDONELL.

LONDON, 12th of May, 1817.

I have the honour to acknowledge the receipt of your favours, both of the 19th and 20th instant, and I beg you will accept my grateful thanks for the kind attention you have paid to my application, in behalf of the people under my charge.

My Lord Bathurst is, I have no doubt, perfectly aware that (Roman) Catholic Clergymen are no less necessary in Upper Canada than (Roman) Catholic School Masters. I took the liberty of mentioning a circumstance, the last time I had the honour of seeing you, which renders the necessity the more urgent of getting a few Scotch (Roman) Catholic Clergymen to this Province.

These I could wish to be appointed are the Reverend James Sharp, the Reverend John McDonald, and Reverend William Chisholm. If the Government would but condescend to assist in enabling a few proper Clergymen and School-Masters to settle amongst the (Roman) Catholics of Upper Canada, I will pledge my life for their loyalty and good conduct.

ALEX. MACDONELL.

LONDON, 25th of May (?), 1817.

I have the honour to acknowledge the receipt of your favour of the 6th instant, informing me that his Lordship Earl Bathurst has been pleased to order an allowance of One Hundred pounds, (£100,) per annum to each of the three Roman Catholic Clergymen, whom I wished to get out to Canada.

I should be glad to know whether it will be necessary to those Clergymen and School Masters, going to Canada, to be provided with Letters from the Colonial Office here, in addition to the instructions that have been given to the Governor of the Province respecting them?

ALEX. MACDONELL.

LONDON, 9th of June, 1817.

*The Memorial of the Reverend Alexander Macdonnell, Vicar General of Upper Canada, is humbly submitted.*

Unto the Right Honourable the Earl Bathurst Secretary of State for the Colonial Department.\*

The Memorialist, by means of the influence which his situation and discharge of duty enabled him to acquire, induced, in the year 1791, several hundred of his countrymen, who finding themselves turned out of their possessions in the Highlands of Scotland, in consequence of the system of converting small farms into large sheep walks, were, when on the point of embarking for America, induced to settle in Glasgow and the neighboring manufacturing Towns and Villages: and, by way of encouragement, and forming a rallying point for them, went himself to reside in Glasgow, although with considerable danger to his personal safety, as no Clergyman of his persuasion had hardly ventured to stay one night in that Town, since the time of the mob of 1780.

In 1794, when the infection of French principles was making alarming progress through every part of the United Kingdom, and all the Fencible Corps raised in North Britain, with the exception of two, refused to march into England, the Memorialist was deputed by the body of Roman Catholics under his charge, to convey a loyal Address to His Majesty, accompanied by an offer to embody themselves into a Corps in defence of His Person and Government, and to extend their services into any part of the British Dominions, where it might be found necessary to employ them, which being accepted, a Letter of Service was, in consequence, issued for levying the Roman Catholic Regiment of Glengarry Fencibles to serve in Jersey, Guernsey and Ireland, and their example—in extending their service out of Britain,—was followed by all the Fencible Regiments that were raised subsequent to that period.

\*This Memorial is inserted here, in connection with the foregoing Letters for two reasons. The first is, that it explains the reference made to Bishop Macdonnell's receipt of a pension for distinguished services in Canada during the War of 1812, on page 192 of the Second Volume of this History. My second reason for inserting the Memorial, here is that it is a most interesting contribution to the History of this Province.

The Memorialist, being nominated Chaplain to the Corps, attended it constantly, for the space of eight years that it was embodied, and shared in all its dangers and fatigues, during the Irish Rebellion, while every other Regimental Chaplain availed himself of the permission that was given, of retiring upon four shillings a day, as the certificates of the Commanding Officer of the Corps, and the Secretary of War's Letter, of the 10th January, 1803, can testify.

After the reduction of the Fencible Corps, while so many were emigrating to the United States of America, the Memorialist, under the protection of Lord Sidmouth, directed the destination of the disbanded Soldiers of the Glengarry Regiment, in 1804, to Upper Canada, where they settled themselves among their countrymen previously established in that Province; and the Memorialist has the satisfaction to assert that, owing to the same protection and the encouragement, which he had received for his adherents, he was enabled so completely to divert the destination of the Scotch Roman Catholics into the British Colonies, that, from that to the present time, not one of them, to his knowledge, has gone to the United States.

The Memorialist, on the eve of the late American War, (of 1812), formed and submitted a plan for embodying the second Glengarry Fencible Regiment, which being approved of, the formation of that Corps, by his influence in the County of Glengarry, was, in a few months completed, the gallantry and important services of which contributed so essentially to the defence of the Canadas.

The Memorialist, in order to impress, by his example as well as exhortation, on the minds of his flock the necessity of defending their Country, was himself, during the whole of that war constantly in the Field, participating in the privations and fatigues of the private soldier, and he had the honour of receiving, not only the thanks of the different Governors and Officers commanding His Majesty's Forces in those quarters, but also the acknowledgment of His Royal Highness the Prince Regent, with an addition of Fifty pounds (£50.) to his former salary, as a mark of the sense which His Royal Highness entertained of his exertions in defence of the Provinces.

The Memorialist, on his arrival in Canada, in order to remove every cause of dissatisfaction amongst the Roman Catholic inhabitants, found it expedient to do away the custom of levying Tythes upon them, which had been established by his predecessor,—leaving it entirely in every man's option to give what he thought proper towards the support of his Pastor,—although he thereby very materially injured his own interest.

The Memorialist suffered also by damages during the War, which were estimated at about Five Hundred pounds (£500.) but, unwilling to add to the heavy charges that were pouring in from all quarters against the Government at the time, and anxious to exhibit an example of moderation to others, in a similar situation to himself, he accepted the inadequate sum of Fifty pounds (£50.) as a compensation, and granted a full discharge to the Government for his losses.

The Memorialist, as Vicar General of Upper Canada, has the charge and spiritual direction of all the Roman Catholics in that Province, and is consequently obliged, in the discharge of his duty, to travel from one part of the County to the other every year, which leads him to expense far beyond his present means,—being only One Hundred pounds (£100.) per annum from Government, and the precarious contributions of his hearers.\*

The Memorialist, therefore, humbly submits to your Lordship's consideration, whether his zealous and unremitting exertions for six and twenty years in the service of his Country, the losses he has suffered and the difficulty of discharging his ostensible and important situation, without more adequate means, should be deemed reasonable grounds for making some addition to his present salary of One Hundred pounds (£100.) a year.

The Memorialist wishes it to be perfectly understood, that he considers what he actually receives, or may receive from Government, as a matter of favour and condescension, and not as a right: and that his attachment to his Sovereign and to his Country is built upon the unshaken foundation of conscientious principle, which cannot be strengthened by additional favours, nor weakened by disappointment.

ALEXANDER MACDONELL, V.G.

LONDON, 15th of June, 1817.

\* For an example of the courtesy and kind feeling which existed between Doctor Strachan and Doctor Macdonell at this time, see Note\*, on page 192 of the Second Volume of this History.



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#### ERRATA.

*Page 110.*—19th line from the top of the page, for “(page—*ante*),” read (page 113 *post*.)”

*Page 131.*—26th line from the bottom of the page, for “Coliege,” read “College.”

*Page 208.*—6th line from the top of the page, for “Visitor,” read “Visitors.”

*Page 226.*—In the second line of the note at the foot of the page, for “received,” read “removed.”







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